

القرآن الكريم  
وَكَلِمَاتُ اللَّهِ هِيَ الْعَلْيَا

THE  
**ASCENDANT QUR'AN**  
*Realigning Man to the Divine Power Culture*

VOLUME 6  
Al-Nisā':1-35



Muḥammad Ḥ. al-Āṣī





In the Name of Allah,  
the Mercy-Giving, the Merciful



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ASCENDANT QUR'AN

---

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Al-Nisā':1–35

Muḥammad H. al-Āṣī

THE INSTITUTE OF CONTEMPORARY ISLAMIC THOUGHT  
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Allah (ﷻ) says in His noble Book,

إِنَّ اللَّهَ وَمَلَائِكَتَهُ يُصَلُّونَ عَلَى النَّبِيِّ  
يَا أَيُّهَا الَّذِينَ ءَامَنُوا صَلُّوا عَلَيْهِ وَسَلِّمُوا تَسْلِيمًا ﴿٥٦﴾

“Verily, Allah and His Angels send salutations on the Apostle.  
O You who are firmly committed [to Allah], you too [must]  
send the most worthy salutations and blessings upon him.”  
(Sūrah al-Aḥzāb:56)

In launching this *tafsir*, we beseech Allah (ﷻ) to bless His final Messenger, Muhammad (ﷺ), all the Prophets (ﷺ) who preceded him, and all those who, despite great difficulty and sacrifice, sincerely follow in their footsteps from the *ṣāliḥūn*, the *ṣiddiqūn*, the *shuhadā'*, and *marḥūmūn*. We also beseech Allah (ﷻ) to bless and amply reward those who have helped in the publication of this *tafsir* in whatever capacity.

— The Institute of Contemporary Islamic Thought





# Table of Contents

## Volume 6

<b>Publisher's Foreword</b> .....	<b>xi</b>
Endnotes .....	xx
<b>List of Honorifics</b> .....	<b>xxi</b>
<b>Transliteration Chart</b> .....	<b>xxiii</b>
Consonants .....	xxiii
Vowels and Diphthongs .....	xxiv
<i>Tanwīn</i> and <i>Tashdīd</i> .....	xxiv
<b>Sūrah al-Nisā', Part 1</b> .....	<b>1</b>
Contextual Overview .....	2

Safeguarding Families to Build Caring Societies . . . . .	15
Man's Civil Status Does Not Tolerate Racism or Sexism . . . . .	23
Should Confused Western Theories Define Gender Relations? . . . . .	30
Assaults on the Womb . . . . .	34
A Civil Society Cares for the Dispossessed . . . . .	37
Multiple Marriage as a Social Panacea for Orphans . . . . .	43
Right-Hand Possessions: Age-old Canard of Detractors of Islam . . . . .	52
Dispossessed Women Need a Safety-Net, Not Sex for Hire . . . . .	59
Receiving a Dowry is a Woman's Right . . . . .	68
Orphans Who Qualify Deserve to Receive Their Inheritance . . . . .	71
Inheritance Laws Assure Social Integration of the Disadvantaged . . . . .	76
Legislation Pertaining to Apportionment of Inheritance . . . . .	86
Attention to Inheritance Laws Excites Moral Impulses in Man . . . . .	99
Legal Protections Frame the Islamic Moral Fabric . . . . .	106
Homosexuality Thrives Where Morality Is Not Socialized . . . . .	115
Repentance Is Accepted When Man Sincerely Shows Regret . . . . .	122
Qur'anic Imperatives Free Women from Perpetual Victimhood . . . . .	129

What Is the Meaning of the Social Taboo Called <i>Incest</i> ? .....	138
Marriage Does Not Displace Responsibility from Love .....	151
Categories of Women that Men Can Legitimately Marry .....	158
Erotica, Secular Sexual Chaos, and the Destruction of Marriage .....	162
<i>Nikāh</i> Is the Security Blanket for Female Prisoners of War .....	168
The Meaning of <i>Nikāh</i> .....	174
Acculturating Women of War to an Islamic Society .....	180
Symbolic Secular Gestures to Victims of War Fall Short .....	191
Allah's (ﷻ) Love for Man is Expressed in His Social Laws .....	199
Christian Sexual Parochialism Presages "Sexularity" .....	208
STDs: Nature's Plague against Human Sexual Perversion .....	219
Moral Values Have Their Monetary Equivalents .....	229
Members of an Ethical Society Complement Each Other .....	241
Millennia of Inferiority Hijacked by a Reactionary Feminism .....	246
Non-Family Members Also Have Inheritance Rights .....	269
Men Take the Initiative But They Are Not Superior .....	272
How Patriarchy Underpins the Modern Secular Culture .....	279

Rights of Men and Women are Related to  
Their Responsibilities ..... 287

Men Bear the Onus of Rectifying Failing  
Relationships ..... 299

The Qur'an Honors Women in the Same Way  
it Honors Men ..... 31°

Endnotes ..... 321

Glossary ..... 389

General Index ..... 401

Index of Arabic Words ..... 429

## Publisher's Foreword

The four *sūrah*s that follow the introductory chapter of the majestic Qur'an, *Sūrah al-Fāṭiḥah*, were mostly revealed in Madinah. While the Qur'an is not arranged in the chronological order of the *āyāt* as they were revealed over a 23-year period, these four *sūrah*s happen to have been revealed basically in sequence. Thus, *Sūrah al-Baqarah*'s period of revelation is believed to be in the first year of the Hijrah (the Prophet's (ﷺ) migration from Makkah to Madinah) although some of its *āyāt* were revealed later, all the way up to the end of the prophetic mission. The other three *sūrah*s — *Āl 'Imrān*, *al-Nisā'*, and *al-Mā'idah* — were revealed in the ensuing years.

It should be noted that Qur'anic revelations occurred during charged moments in Islamic history, often to provide direction for challenging circumstances and issues that were unfolding on the ground in accordance with a divine program for social cohesion, harmony, justice, upliftment, and fulfilment. The Qur'anic principles were the theme, the Arabian society was the set, the early Muslims and their adversaries were the actors, the Prophet (ﷺ) was the main protagonist, and Allah (ﷻ), as the Creator, was providing His loving

care and direction. This was especially the case for the final 10 years of the Muhammadi mission in Madinah when the nascent Islamic community was involved in supplanting *jāhili* institutions and governance with divine prescripts that would establish and consolidate the prototypical Islamic State.

Readers who have kept abreast of Imam Muḥammad al-ʿĀṣī's *tafsir, The Ascendant Qur'an: Realigning Man to the Divine Power Culture*, would know that the first five volumes consisted of explanations leading to the end of *Sūrah Āl 'Imrān*.<sup>1</sup> The sixth volume begins with elaborating the meanings of *Sūrah al-Nisā'*, the fourth *sūrah* of the noble Book. The title of this *sūrah*, meaning *women*, in and of itself sheds light on the *sūrah*'s core subject matter, although it is important to note that the longer *sūrahs* of the Qur'an deal with diverse subjects, not necessarily concentrating exclusively on the particular theme associated with the title. The only exception to this general rule is *Sūrah Yūsuf*, which devotes the entirety of its contents to one subject: the life history of Prophet Yūsuf (ﷺ).

If it was asserted that the first 35 *āyāt* of this *sūrah* primarily focus on matters relating to the affairs of women, it would not be too far off the mark, especially in view of the fact that a large domain of Islamic historical scholarship sustains that point very well. However the obviousness of this assertion obscures, or perhaps camouflages, a more important social consideration, one that places the rights and responsibilities of women within the broader social context of families. More precisely, the first part of *Sūrah al-Nisā'* addresses the need for stabilizing and maintaining healthy family structures, and integrating all members of society — orphans, widows, refugees, the landless and homeless — into them. And it is within this context that women occupy a central position. Outside the bounds of this context is where the rights of women are violated and their responsibilities often subsumed into a highly agendized, male-dominated quest for temporal power. Roles without context often lead to unsustainable platitudes, many of which are exploited by historical power structures in a bid to justify and perpetuate their illegitimate position of dominance.

Women are as essential to family and community as men are to finance and security; and without the mutual cooperation of male

and female within marriage and family units according to Allah's (ﷻ) ground rules, society will have neither community, nor security. For these considerations, the preservation of family is specifically emphasized in this *sūrah* and indeed in some other *sūrah*s of this glorious Qur'an. A stable family is the bedrock of society: destroy the family and disintegration of the society will automatically follow. Muslims are commanded to maintain family contacts. Severing these contacts is a violation of Allah's (ﷻ) commands and would incur divine retribution.

Muslim men are required to secure the financial, legal, and moral rights of the members of an Islamic society, for without the protection of such rights, these members of society will not be able to discharge their unique responsibilities, thereby damaging the society as a whole. In this vein, with their rights protected, Muslim women have the responsibility to build community. To be sure, there is plenty of overlap between these two roles for male and female, as well there should be; but in this regard, it must be emphasized that no reading of the Qur'an and Sunnah ever placed the imperative of maintaining security above that of building community or vice versa. To qualify the underlying importance of this point, Allah (ﷻ) begins *Sūrah al-Nisā'* by affirming the absolute equality of men and women,

**O People! Avoid your Sustainer [and His ], who has created you out of one living organism/spirit, and out of it created its mate, and out of the two spread abroad a multitude of men and women. And remain guarded of Allah, in whose name you demand [your rights] from one another, and of these ties of kinship. Verily, Allah is ever watchful over you! (4:1).**

With such an introduction, how is it possible for some people to read the succeeding *āyāt* and then conclude that Islam is unfair to women and agnostic to their intrinsic rights? This *āyah* is placed first precisely to forestall such an assumption.

As we consider the contents of this *sūrah*, we need to keep in mind the socio-political milieu that prevailed in Madinah at the

time these *āyāt* were revealed. Two distinct features can be identified. Firstly, the noble Messenger (ﷺ) and his small but growing group of followers, as they set out to supplant *jāhili*-based practices with divinely ordained laws, faced a challenge from entrenched vested interests — the Arabian *mushriks*, the Jewish tribes residing in Madinah, and the *munāfiqs*, a group of fifth columnists within the ranks of Muslims who were not present in Makkah. Barring a few exceptions such as ‘Abdullāh ibn Salām, a respected rabbi who accepted Islam once he heard its message, the opposition of the Jewish tribes was both surprising and distressing to the noble Messenger of Allah (ﷺ). After all, these were people of previous scripture (Ahl al-Kitāb) who apparently yielded to the One God. Unfortunately, while they understood, and in private admitted, the divine origin of the message, their prejudices based on tribal and parochial interests and the racist thought of being made equal to the previously unscriptured Arabs prevented them from giving their unqualified allegiance to the final Messenger (ﷺ). Secondly, the scope of the Muhammadi Islamic mission was global, and thus the first Muslims were required to deliver the message of Islam to *all* the people whether they resided in Madinah or outside it, especially the tribes residing to the west and north of the oasis town.

Initial instructions on how to organize society were described at length in *Sūrah al-Baqarah*. In the years following that time period, the Islamic society and state in Madinah had “grown into” carrying the Covenant and thus the early Muslims were now prepared to receive more refined and specific rules. Many of these are contained in this *sūrah*. When we study *Sūrah al-Nisā’*, we find that it provides guidance regarding an array of subjects, the vast majority of which are bound together by the common thread of family obligations and family priorities. Thus it includes Islamic injunctions for organizing society around family foundations insofar as they concern the appropriateness of potential spouses, the conduct of men toward women and vice versa, the rights of orphans, and strict prohibitions on the usurpation of such rights. Similarly along the same lines, laws of inheritance, rules regarding resolution of family disputes, the complete prohibition on consumption of alcohol, and the initial pun-



ishment for adultery (which was later modified when the *āyāt* of *Sūrah al-Nūr* were revealed) are promulgated in this *sūrah*. The value of this Islamic societal discipline is sustained by examples of the consequences of covenant abandonment by earlier recipients of the divine message, in particular the Jews and their chronic recalcitrance against Allah (ﷻ) and His prophets (ﷺ).

In this volume — the sixth so far in this multi-volume *tafsīr* — Imam al-ʿĀṣī deals with only the first 35 *āyāt* out of the 177 that comprise the entire *sūrah*. Given the importance of family matters, marriage, the treatment of orphans, and laws of inheritance, he felt it was important to deal with this set in a comprehensive manner. The question of marriage and the misunderstandings that have arisen (or have been fomented) around the permission to marry up to four wives have been analyzed within the context of nurturing healthy families, so as to dispel all doubts in the minds of any people who sincerely wish to look at the Qur'an free of any orientalist or Islamophobic bias. Those that insist on seeing the Islamic message through their blinkers of prejudice are described as “...deaf, dumb, and blind” by none other than Allah (ﷻ) Himself, the Lord and Sustainer of all the worlds. The sexual and moral anarchy that has gripped Western society can be attributed in part to the hypocrisy of the one-man/one-wife “standard” that relegates unattached women to a life of exploitable victimhood (prostitutes, concubines, mistresses, spinsters, low-paid employees, etc.) reserved almost strictly for the carnal excitement of the worldwide sex industry while their emotional and financial needs are rationalized away by the destruction of marriage as a social and moral institution.

True, the permission granted by Allah (ﷻ) to maintain up to four wives has been uncharitably and opportunistically exploited by not only the detractors of Islam, but also the type of “Muslim” who looks for a Qur'anic sanction to rubber-stamp his own inability to discipline his sex drive. The *āyāt* referring to this license are clearly conditional on the breakdown of societal institutions that would otherwise provide for the integration of orphaned children and their mothers into secure and stable family units. They have little or nothing to do with satiating a male sex addiction.

It is well-known that the Islamic effort to tame the passions and proclivities is intended in part to open the Muslim's eyes to social imbalance, social inequality, and social injustice; that is, a personal program of self-discipline enhanced by devotional activities is supposed to translate into a social program of transformational change that facilitates the permeation of justice and mercy in all aspects of public life. To suggest that sexual discipline is exempted from this program is inanity, because of all the various appetites, it is sexual gratification that is fundamentally social (one generally cannot have sex with himself), and thus sexual activity must be governed by a social discipline that is both means and end. Personal sexual gratification comes with social responsibilities, both of which are circumscribed and defined by Allah (ﷻ). Those who are acquainted with the safety and security of a family shaped as it is by the emotional affinities, the deeply compassionate feelings, and the sexual bonds of husband and wife are required to take note of those in their society who do not enjoy the same privileges and to extend the family circle to include them if the financial wherewithal is available. Thus to extend this line of thinking and to spell it out clearly, four wives can only be managed — with fairness and justice toward each co-wife — by a husband who is sexually and financially disciplined, not one who is looking for a marketplace to let his passions run wild. And for those who are not capable in this area, then the Qur'an counsels only one.

It is common knowledge that there are always more women in society than men, a condition that is exacerbated by war, where men die in battle leaving behind widows. Should such women with orphaned children be left to their own means with no societal provision to assimilate them into caring and comforting families? Regrettably, even Muslims today, who have generally failed to socialize Qur'anic imperatives into their public and collective lives, are guilty of abandoning widowed and divorced women. Designating such women as "single mothers" does not address their emotional, psychological, financial, or sexual needs.

Historically, the role of women in society has been a contentious issue; it is no less so today. What is, however, astonishing is

that despite clear divine guidance and the respectable status accorded to women by Islam, even some Muslims continue to indulge in ignorant practices that have more to do with regional cultural mores than divine guidance. This is most strikingly evident in the Arabian Peninsula (erroneously, and in defiance of the Prophet's ﷺ Sunnah, referred to as Saudi Arabia), the very cradle of Islam, where women are permitted to ride on camels but not drive cars. If the proscription on driving were the only problem, one might look the other way, but Saudi violations of Allah's ﷻ commands are so extensive and so egregious that we are forced to conclude they have returned to the days of *jāhiliyah*, even as the secular West is inching its way toward giving women better status in society as far as their civil rights are concerned.

The struggle for women's rights in the West has a long and tortuous history. In the US, the right to vote was secured by women after World War I ended in 1918; even so, this was restricted to women over the age of 30. This is not surprising given that the US Declaration of Independence, drawn up on July 4, 1776 by representatives of the 13 colonies that formed the first American union, did not recognize women as part of a legitimate constituency, in word or in spirit,

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty and the pursuit of Happiness.<sup>2</sup>

Women were excluded from the unalienable rights to "Life, Liberty and the pursuit of Happiness" in the beginning, and they were clearly not deemed equal to men until as recently as 1918. Further, not all men were included in the declaration. The slave population, which happened to be of African origin, men without landed property, and the occupied tribes of Native Americans were excluded from representation.

In Britain, women had to wait until 1929 while in Switzerland it was not until 1941 that women attained the right to vote. Inter-

estingly, as recently as 1908, the Catholic Church was still debating whether women had a soul. Compare this with Islam not only affirming equal rights for women but also guaranteeing rights of inheritance and property ownership more than 1,400 years ago. And in the Islamic domain of human liberation there was and is no concept of a woman adopting her husband's family name upon marriage, a tradition that has been carried into Western civilization from Roman practice, in which a woman would become her husband's property upon marriage.

Lest we get carried away by the notion of women's liberation, we would do well to keep in mind that behind this campaign there was an economic factor. Following the end of World War II, which resulted in the slaughter of some 60 million people in Europe and Russia, the western economies had a hard time overcoming the shortage of manpower needed to run their factories. During the years when men served at the war fronts, women were mobilized to fill factory and assembly-line positions at home in Europe and North America. By the time the war ended, greedy industrialists and corporate bosses along with their functionaries in legislative assemblies recognized a way to sustain wartime profiteering even in peacetime: women could be mobilized as cheap labor for production, hence the coincidental emergence of the modern women's liberation movement to get women out of the home and into the workplace. Unfortunately, generations of Western women fell for this clever ruse, and now 50 years later, some of them have begun to realize that women's liberation is not all that it was cracked up to be.

It is also instructive to note that this period coincided with the greatest migration of people from the "Third World" to Europe and North America. The easing of immigration policies was not motivated by any higher moral calling; it was entirely for economic reasons. While it is true that workers from Third World countries earned better wages in the West than in their own countries, the opening of Western borders was not based on compassion or motivated by the desire to improve the lot of non-indigenous peoples. It was driven by the need to increase low-wage manpower so as to expand production and profits on the back of stagnant wages.

As our eternal guide, the Qur'an deals with all aspects of life. In His infinite wisdom and mercy, Allah (ﷻ) has provided us guidance so that we can order our lives according to His commands and in our own best interest. In providing such comprehensive commentary on these important issues affecting Muslim family life, Imam al-Āṣī has rendered a great service to the Ummah. It is one of the most outstanding commentaries on family life in Islam and would go down as one of the classics of all times. One volume addresses all the issues that linger in the minds of Muslims about notions of the supposed inequality of men and women in Islam, and that are used by Western liberalism to attack Islam as being inconsistent with providing a balanced and just social program for all human beings in the 21st century — a man being allowed to marry four women simultaneously, a man inheriting twice the amount a woman can qualify for, a man having the license to beat a woman, a man being superior to a woman, and a man's testimony being equal to that of two women.

Muslims would do well to internalize these lessons in order to implement them in their individual as well as collective lives. This volume, as all the previous ones, has been ably edited by 'Afif Khān, who in his inimitable style has added immense value to the understanding of this monumental *tafsīr* of the noble Qur'an. Finally, we would like to acknowledge the passion and commitment of the late Dr. Kalim Siddiqui in providing the impetus to initiate this project, which he did not survive to see completed. We invoke Allah's (ﷻ) blessings and mercy upon his memory and those who have survived his passing. As we proceed further with engaging the divine message, understanding it, and implementing it in our lives, we would enrich our lives as well as make them more meaningful by bringing them closer to the divine command.

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**Endnotes**

- 1 Muḥammad H. al-Āṣī, *The Ascendant Qur'an: Realigning Man to the Divine Power Culture, Volumes 1–6*. (Toronto, Canada: Institute of Contemporary Islamic Thought, 2008–2012).
- 2 US National Archives, *The Charters of Freedom: A New World Is at Hand*, (Washington, DC: US National Archives website, 2012).  
[http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html)

## List of Honorifics

Honorifics are the words expressed by every Muslim when the name of Allah (ﷻ), the name of the Prophet (ﷺ), and the names of Allah's previous Prophets (ﷺ) are mentioned, spoken, or written. These are placed in parentheses after the name of each of the above is expressed. They are known to nearly every Muslim; however as this is an English-language *tafsīr* meant for a large English speaking audience that may have little experience with this kind of Islamic etiquette, the list below identifies the ones used throughout this volume, along with their meanings and specific usages.



*subhānahu wa-ta'ālā* (Exalted and August is He): used for Allah alone.



*ṣallā allāhu 'alayhi wa-ālihi wa-sallam* (may Allah's peace and blessings be upon him and his family): used for Muhammad in any and all of his designations, such as *Messenger of Allah*, *the Prophet*, *the Messenger*, *Rasūl-Allah*, etc.



*'alayhi al-salām* (peace be upon him): used for every other prophet; masculine singular.



*'alayhim al-salām* (peace be upon them): used for all other prophets; inclusive plural, masculine and feminine.



*'alayhā al-salām* (peace be upon her): used for Eve, the wife of Adam, and for Mary, the mother of Jesus, among others; feminine singular.



*'alayhimā al-salām* (peace be upon them both): used for any combination of two prophets, for Adam and Eve, or for Mary and Jesus together; inclusive dual, masculine and feminine.



# Transliteration Chart

## Consonants

أ	none (initial)	ض	ḍ
ؤ	' (medial or final)	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	ه	h
س	s	ة	ḥ
ش	sh	و	w
ص	ṣ	ي	y

## Vowels and Diphthongs

□	a	ا□	ā	□ى	á
□	u	□	ā	□ى	ay
□	i	□و	ū	□و	aw
		□ى	ī		

The small box in the table above represents an Arabic consonant; for instance, if the box were replaced with the letter *f* (ف), then the table would assume the following configuration,

ف□	fa	فَا	fā	فَعِي	fá
ف□	fu	فَأ	fā	فَعِي	fay
ف□	fi	فُو	fū	فَعُو	faw
		فَعِي	fī		

## Tanwīn and Tashdīd

□	an	□	ayy	□	aww
□	an	□	ūw	□	ff
□	un	□	īy (medial)	□	shsh
□	in	□	ī (final)	□	rr

Similarly, if the box were replaced with the letter *f* (ف), then the table above would look like the following,

فَا	fan	فَعِي	fayy	فَعُو	faww
فَعِي	fan	فَعُو	fūw	□	ff
ف□	fun	فَعِي	fīy (medial)	□	shsh
ف□	fin	فَعِي	fī (final)	□	rr

## 4

# Sūrah al-Nisā', Part 1

## Women

When speaking of Makkan or Madinan *sūrahs* it is understood that a *sūrah* is considered Makkan if all or most of its *āyāt* were revealed in Makkah; and the same convention applies to Madinan *sūrahs*. Therefore, because most of its *āyāt* were revealed in Madinah, *Sūrah al-Nisā'* belongs to the Madinan category. It is the second longest *sūrah* after *Sūrah al-Baqarah*. Chronologically speaking, *Sūrah al-Nisā'* was revealed after *Sūrah al-Mumtahanah*, the 60th *sūrah* of the Qur'an. According to some accounts, a portion of the *sūrah* was revealed in the sixth year of the Hijrah during the Ḥudaybiyah military campaign (Ghazwah al-Ḥudaybiyah), while other portions of it were revealed in the eighth year AH during the campaign to liberate Makkah (Ghazwah al-Fath).

It should be noted that the long and medium-sized *sūrahs* were not revealed contiguously in one unit at one time. Portions of them were revealed along with other segments and themes in different *sūrahs* within one span of time (days or weeks), but then the Prophet (ﷺ) rearranged these clusters or subjects into the *sūrah* format, the total sum of which comprises the Qur'an we have today. At that time, before the incontrovertible arrangement of these

*sūrah*s became established, a *sūrah* was “an open *sūrah*,” which was awaiting the Prophet’s (ﷺ) placement of thematic *āyāt* alongside other thematic *āyāt*. The process of finalizing the current sequence of *āyāt* in the *sūrah*s of the Qur’an may have extended over several years. In *Sūrah al-Baqarah*, for instance, there are *āyāt* that were revealed at the beginning of the Madinan era and other *āyāt* that were revealed at its end; and in that sense *Sūrah al-Baqarah* remained in an “organizational or sequence pattern” during the full ten years of the Prophet’s (ﷺ) presence in Madinah.

This also holds true for *Sūrah al-Nisā’*. While most of it was revealed during the sixth and eighth years AH, some of its *āyāt* were revealed during the first years after the Hijrah. Thus, the total time span in which this *sūrah* was revealed was about five years, extending from the aftermath of the Uḥud military campaign during the third *hijrī* year all the way into the eighth *hijrī* year when *Sūrah al-Mumtahanah* was revealed.

This *sūrah* is often referred to as *Sūrah al-Nisā’ al-Kubrā* (the Major Women’s *Sūrah*) due to its numerous insights and injunctions on women’s affairs. In the same vein *Sūrah al-Ṭalāq* (the 65th chapter in the Qur’an, entitled *Divorce*) is referred to as *Sūrah al-Nisā’ al-Ṣuḡhrā* (the Minor Women’s *Sūrah*).

### Contextual Overview

This *sūrah* continues with instructions pertaining to family matters, and how to reconcile internal human inclinations with external duties without the typical negative repercussions to family environment and marital relations that accompany undisciplined behavior devoid of divine guidance. The Muslims are urged to purge society of perversion, raise the moral standard, and consolidate sound family ties. As is the case throughout this standard Qur’an, social and economic issues blend in with personal and family responsibilities. More information about inheritance and the right to own property and wealth by both genders is seamlessly blended into this discourse.

The larger task is to make a new society and dispose of the generally accepted *jāhili* perspective and its established order. All

secular and sacrilegious social and psychological norms have to be swept out and replaced by a new Islamic attitude and a new Islamic society moving into an advanced state of development. The core of the committed Muslims are the founding fathers of this Qur'anic movement. Interspersed in all this is a sense of social responsibility, community solidarity, and brotherly love. The public is inspired to part with wealth for the general well-being of all. Wealth is considered worthwhile when it is channeled for the cause and call of Allah (ﷻ).

Real Muslims were dealing with real issues in real time. They were learning, growing, and maturing as they infused these Qur'anic words into their social dynamics under the leadership of their infallible Prophet (ﷺ). These time-honored tasks required a psychology confident in the belief that it can act as the agent of Allah's (ﷻ) will on earth.

Some of the more celebrated *āyāt* of this *sūrah* that were highly praised or caught the attention of people around the Prophet (ﷺ) include the following,<sup>1</sup>

**If you avoid the major sins, which you have been enjoined to shun, We will amnesty your lesser violations, and shall cause you to enter an abode of glory (4:31).**

**Indeed, Allah does not maltreat [anyone] — not even a scintilla's worth; and if there be a good deed, He will multiply it, and will bestow out of His grace a mighty reward (4:40).**

**Certainly, Allah does not pardon the act of *shirk* [equating rivals with Allah's divinity and authority] but He may pardon anything less than that for whom He decides... (4:48).**

**And had they only approached you [O Prophet] when they did injustice to themselves... (4:64).**

There is a conceptual bond between the last *āyah* of *Sūrah Āl ‘Imrān* and the first *āyah* of *Sūrah al-Nisā’*: the God-given order to be publicly conscious of Allah’s (ﷻ) interposing power. In *Āl ‘Imrān* this concept of *taqwā* came as a reminder after the whole *sūrah* dwelled, by and large, on interfaith and military issues. In *Sūrah al-Nisā’*, it comes at the beginning of the *sūrah*, which will concentrate mostly on gender and psychological issues. This abiding God-consciousness represented by *taqwā* is interwoven in every theme of the Qur’an, and is required of all Qur’an-centered Muslims in all their dedicated efforts — at the war front and on the home front.

As the Qur’an reorders human behavior toward a lifelong commitment to Allah’s (ﷻ) social principles, the societal character gradually moves from scarce morality to “institutionalized” morality — when morality extends into the public conscience and becomes society’s laws. There is a reference to female bawdiness or morally objectionable behavior,

**And [as for] your women who behave in a sexually wanton way, against them you should summon four witnesses from amongst you; and if they testify [against the women] then confine the guilty women to their dwellings until death brings them to an end or until Allah offers them [another] avenue... (4:15).**

Islamic historical sources agree that this *āyah* was revealed before the *āyah* in *Sūrah al-Nūr* that clarifies the penalty for adultery,

**As for the adulteress and the adulterer, flog each with one hundred lashes; and you should not show clemency for them in Allah’s *dīn* if you are committed to Allah and the Final Day. And a quota of the committed Muslims shall observe their anguish (24:2).**

*Āyah* 24:2 was revealed after the *Ifk* incident during the fifth *hijri* year.<sup>2</sup> The sequencing of these two *āyāt* gives one a sense of how soci-

ety was being moved not only onto higher moral grounds but also how it was gradually gaining a legal dimension to its moral principles.

In a sense, this *sūrah* represents the “coming into being” of an Islamic social and moral order. It was not enough for Muslims to “sound” Islamic; they had to have Islamic character. And it was not enough for them to have individual Islamic characters; they had to consolidate these characters within an Islamic public. And this Islamic public could not exist — and cannot exist — without the moral and legal authority that come directly from understanding, assimilating, and actualizing the very meanings of the words in this divine Book. All this is only achievable over an extended period of time: step by step, year after year, and sometimes through trial and error.

The confrontation coming from any number of enemies within society and within self is to be expected. But it was human nature — the goodness in it — and human trial and error — the learning experience of it — that made it possible to place the meanings of this eventful Book into practice and thereby prepare future generations of committed Muslims to continue along the same course. Not unlike *Sūrah*s *al-Baqarah* and *Āl 'Imrān*, this *sūrah* also highlights the showdown with organized forces, forces of the status quo, and forces of the elites who do not want to allow the mass rearrangement of priorities that will inevitably accompany this Islamic course of action. Throughout the *sūrah*, the one constant is that the Qur'an, Islam, and *īmān* cannot be reduced to rhetoric and words, restricted as it were, to a couple of hours during a congregational prayer once a week. This *sūrah* motivates the reader to realize that covenant-bearing Muslims, regardless of how their enemies scramble and coalesce, are expected to rise to the challenge, seize the occasion, and move boldly into a world where they are the masters of their own future if and when they are in the company of Allah (ﷻ).

*Sūrah* *al-Nisā'* has its own distinguishing character, even though there are a few sub-themes that branch away from its principal focus on the moral character of the Islamic society. This Islamic moral character, shaped as it is by these direct meanings

from the Creator and Director, at once awakens man to life's qualities and destiny's possibilities. This *sūrah* in the social tug-of-war gradually invalidates the non-Islamic way of life; but it does so through the efforts and dedication of human beings who have taken it upon themselves to publicize and socialize the precious meanings of Allah's (ﷻ) words. The emerging Islamic society in Madinah had to be purged of all *jāhili* foundations and "values." And in doing so, it encountered the same types of people and the same classes of interests who, as described in previous *sūrahs*, were either always turning their backs on Islam, or if not that, fomenting adversaries to fight the Islamic social determination. *Mushriks*, *Yahūdīs*, *kāfirs*, and deviant elites of those who call themselves "Jews," "Christians," or even "Muslims" will always come out of the woodwork and try to obstruct the representation of this Qur'an at its power level. The nascent Islamic will also had to overcome the force of "tradition," which will also try to stymie the social momentum of committed Muslims in power. Traditionalism in religion is represented by those who feel that God is shallow enough to prefer a meticulous observance of rituals over the application of His command and counsel to issues of social justice.

The original Islamic society did not burst forth from just anywhere. It emerged from a non-Islamic society; or more to the point, it sprang from a clash with anti-Islamic forces. These forces at the top of society had their cultural depth, their historic "justifications," and their particular acculturation that was diametrically opposed to an Islamic social order.

And what is extraordinary about this experience is that Allah (ﷻ) chose the Arabians who on the scale of civilizations were, for all practical historical purposes, nonexistent; He selected a society that possessed and exhibited no modern or technologically advanced features. In fact, one could have barely characterized them as a society. And from that nothingness these awkward and backward humans of *jāhiliyah* managed to make it to the top, setting new standards for human achievement. They refashioned their hearts, remade their minds, and then produced for humanity, if nothing else, the twin achievements of making Islam within reach



of human effort and of making Islamic life the fruit of human endeavor. They told us that Islam is possible, that Islam is workable, that Islam is doable, and that Islam is practical! They not only told us, but they also demonstrated it to us in real life.

If this transition of Islam from its theoretical state to its practical execution can teach us anything, it is the fact that Islam is centered on human nature — its impulses, its potentials, and its constant sways in the direction of Allah (ﷻ) or elsewhere. Those people who say the Qur'an is outdated do not understand the Qur'an; or they have misunderstood it. The Qur'an is concerned with an unchanging human nature. Human nature thousands of years ago is no different than human nature today and will be no different than human nature thousands of years from now. No civilization, modernity, or technology is going to alter or obliterate human nature at its essence. Human impulses, notions, thoughts, and feelings swing between an affinity with Allah (ﷻ), which describes what is good in life, and an attraction to Shayṭān, which describes what is bad in life. Honesty or truthfulness is just a small part of this human nature. But, even so, no type of advanced, state-of-the-art technology or scientific progress will be able to eradicate or replace this trait in human nature.

The attraction between the sexes is another aspect of human nature. There will be no technology, engineering, or the practical application of science to humans or matter that will eliminate or supplant this fixed feature of human nature. And so on. Human nature is the subject matter of this guiding Book. And anyone who thinks otherwise is either foolish, ignorant, or out to deceive. The only time this Book may no longer resonate is when human nature itself no longer exists. And presumably, that may happen when life as we know it ceases. But until that time we should be thankful that Allah (ﷻ) has deposited this trust among us and given us the responsibility to work His will with this light from above.

The underlying fact of the matter is that there is a polarity between modern societies and primitive ones, between urban population centers and rural human habitats, and between underdeveloped countries and advanced nations. And it seems like this

difference has been unduly extended to mean that scripture can only be of value to those whose material context, more or less, resembles the times in which this Scripture was sent down by Allah (ﷻ). In other words, the more scientifically advanced, the more technologically accomplished, and the more “modernized” a society is, the less it is in need of this accurate Book. This is an intellectual fallacy. It does not matter how far man has gone in his material world, the fact remains that his spiritual and emotional worlds are still in need of direction, meaning, and fulfillment. The pre-Muhammadi Arabian nomadic society and the post-modern industrial and technological civilization represented by Europe and America are equally in need of this meaningful Qur’an. Both extremes — the crude and wild along with the “refined” and “modern” — have much to learn from this purposeful Book. There is room for improvement everywhere; and this guiding Qur’an shows man the way — until he is able to reach his human potential in fulfilling the optimum balance that is produced by a permeating justice in the affairs of all men on earth.

*Kufr* and its societal expression cannot be disguised by “trendiness,” the “in thing,” or the “latest fad.” *Kufr* is a state of mind that objects to Allah’s (ﷻ) status as a lawgiver and the source of human wisdom; and opposes the human will to execute Allah’s (ﷻ) commands on earth. This results in excluding God from human affairs, thereby creating a vacuum in the areas of governance and dominion. The void is then filled by those who all along wanted to play God in the affairs of men. This pretty much sums up the systems of today’s world from the north to the south. All human societies today are ruled by mortals substituting for God, as they are the ones who define morality, sponsor man-made concepts, promote elitist interests, construct materialistically-centered societies, and then maintain this status quo with man-made rules that have no scriptural basis or rationale. These “excellencies” and “majesties” and their governmental apparatuses do not, for the most part, publicly declare their divinity — as they would not be able to get away with such a pronouncement — but they do say in the language of legislation, regulations, and law-enforcement orders that they are the “powers

to be obeyed.” In other words, they are “godding” over fellow man; they are policing the world in a “state-of-mind” that excludes Allah (ﷻ) from being who He is: the Author and Administrator of man’s social affairs in all its expressions, from the individual to the family, from neighborhood to statehood, and from earth to heaven. In the present-day worldwide establishment of *kufir*, all the concepts and principles, the values and standards, the constitutions and legislatures, and the customs and conditions of today’s world come together to challenge the remaining adherents of scripture and Allah (ﷻ).

The only antidote to this global system of *kufir* is Islam. The Muslims have to have enough confidence to say this and prove it. It is not enough to wave the Qur’an at this all-encompassing *kufir* and then think it will go away. It is also futile to know this fact and then sit back and do nothing about it. Now is the time, when the world is teetering on the edge, for a new generation of dedicated Muslims to launch themselves from the pages of this Qur’an and offer a wayward world the direction it needs. Human nature can no longer tolerate a superficial relationship with God at the same time that it cultivates a genuine relationship with humans who have usurped the role of God. And the more it continues down this path the more obviously schizophrenic it will become. Yes, humanity can work itself into a bipolar personality; and man may be living the very consequences of it today.

Thus in the course of this *sūrah*, committed Muslims are taught that they are expected to consolidate their positions so that Islam reaches its systematic expression as it becomes a *dīn*. In this sense, the Muslims are not allowed to become complacent with their initial victories and start entertaining false ideas in theory when their *dīn* has not yet completely penetrated the social convention of society so as to become its law and culture.

The Qur’anic discourse goes on to reiterate the necessity of taking up arms to repel aggression and acts of hostility by the real, not imagined, enemies of Allah (ﷻ), His Prophet (ﷺ), and the dedicated Muslims. Jihad in its advanced stage, for reasons relating to the nature of Allah’s (ﷻ) enemies, becomes an Islamic call to arms. Combat duty for committed Muslims is a natural part of their

social character. The *āyāt* of this *sūrah* motivate the committed Muslims to surmount the barrier of fear, and thus rise to the level of commitment to fight those who are in hot and cold wars against them. Combat ready Muslims are inspired to pursue their hostile enemies and not to relent. And in this context Allah (ﷻ) orders His Prophet (ﷺ) to go to war even if there is no one to accompany him on his mission.

In this well-defined Qur’anic exposé of reality, the Muslims are taught how to shape “international relations” and what it means to have a cease-fire or to end a state of belligerency. Also, those Muslims living outside an Islamic state are taken to task for not joining their brethren in their full mobilization and for accepting oppression at the hands of their *kāfir* tormentors.

In the matter of collective punishment during the prevailing atmosphere of war, Allah’s (ﷻ) words in this *sūrah* set the standard of behavior for those who have made a secure commitment to Him. The *āyāt* from heaven deal justly with an individual Jew despite the social and military animosity of the greater majority of Yahūd against the Islamic State. Not engaging in collective punishment is something peculiar to people of Allah (ﷻ) — something that is conversely absent in a hyper-militarized Western world, known by its own patrons as the champion of liberty and human rights, but where the social current runs against individual and “minority” Muslims. In this way, the *mushriks* and their conceptual hypocrisies are brought into the light of day.

It is to be understood that every *do* and *don’t* in this positive Book is meant to deconstruct a materialistic world mindless of Allah (ﷻ) and to raise up an Islamic world order mindful of Allah (ﷻ). The beauty about this splendid Scripture is that it is able to address all human regression from Allah (ﷻ) anywhere and any-time humans abandon Him. The wording of these *āyāt* accommodates the general human condition and is not restricted to the particular event these *āyāt* came to address and adjust when they were revealed. A careful reading of this Qur’an allows the reader to visualize the deterioration of man from which the Qur’an wants him to rise and then also to visualize the emancipation of man that

the Qur'an wants him to achieve. This social transformation is a permanent feature of the supportive Scripture.

Throughout this *sūrah*, the pathetic condition of people, who are accustomed and resigned to third-rate human conditions, is spotlighted. And when people live in these conditions for a long time they may begin to feel the world operates in such a way and they must accept the fact that nothing can be done about it. But Allah (ﷻ), in His infinite mercy, is the only One who offers these socially conditioned humans the horizon of a better future and a satisfying life.

One of the first things this *sūrah* elucidates is the fact that society in its *kufr* mode will ravage the rights of orphans. And imagine how a female orphan — even if she was located in the home of her folks, guardians, or caretakers — would be treated in such societies of hard-core *kufr*, a pertinent example of which is the trafficking of desperate young women — who in most cases are only loosely bound to families — from Eastern Europe, Russia, Bangladesh, Pakistan, Vietnam, Thailand, the Philippines, and Central America. Un-Islamic establishments have no compunction when it comes to misappropriating the possessions, properties, and rights of minors who are deprived of their parents. In such social settings that are void of God, all sense of proportionality is lost, greed takes over, and abandoned infants are left to the “goodwill” of materialistic guardians whose compassion is subverted by commercialism and the desire to “make money.” An orphan’s rights are no cause for concern. A worst-case scenario in these secular, *kāfir* societies is that of a female orphan from a well-to-do family who is taken into a household not because of her humanity but because of her wealth. She may even be constrained to become a future wife of the foster father. In other cases, these orphans may be set up to marry into the family not because there is any love and affection but because there is money and wealth to be gained. And all this is possible only when human relations and emotional attachments become secondary to acquiring wealth.

Money-craving societies place no restrictions on their greed and drive. The legal and traditional structures coalesce to victimize

minors, the lower economic classes, and women. These social categories have little or difficult access to their inheritance rights. Traditional channels and legal loopholes see to it that the inheritance money will go to those who are rich or those who are in power. And many times the rich and the powerful are one and the same; or in other instances they turn out to be men in the upper crust of society, or men with military power. Some traditions and laws in societies of *kufir* may even take away liberties and freedoms from female minors, and also from female seniors, so that fortunes, which should have been rightly inherited if justice were to take its course, can be confiscated. This is equally true of young boys and elderly men: their “protectors” will do anything secularly possible to expropriate their assets and affluence. Such practices are particularly persistent in societies that are strongly tribal or ethnic, where wealth circulation beyond family lines cannot be tolerated.

The world in its un-Islamic societies and cultures routinely demeans women. The female sex is mistreated and often abused. Thinking women become gender conscious. Women in some instances are almost “owned” by men; in other instances women are conditioned to feel inferior to men. This subclass of women spills over into societies whose identity is not Islam by ideology and conviction but Islam by pedigree and tradition. Women outside of God-centered societies are commodities, sex-symbols, and disposable utilities. In some of these godless societies men can claim women after their husbands pass away, or men can marry them without regard to their dignity or even their essential humanity. Men, in these traditional and cultural societies, may even strike deals among families and clans to marry off a particular bride in exchange for some profit. Some husbands in these secularly or primitively religious societies may even place their wives in a “marital limbo” by ceasing on the one hand to have intimate contact with them, but not willing on the other hand to give them a divorce in a court of law. In this case a woman is neither married nor divorced; she is in an indefinite sexual and psychological hiatus. And she cannot do anything about it because the culture, institutionalized as it is in the legal system, favors the husband and is biased against wives, widows, and women.

Consequently, counter-Islamic societies are distinguished by volatile families in which women no longer live normal lives. Mothers, wives, daughters, and sisters are conditioned to lose their respect and self-esteem. And when the stabilizing position of women in society and family malfunctions, the whole social unit becomes vulnerable to social maladies and then disintegrates. When women lose their dignity in family and society, sexual relations take a turn for the worse and communities witness all types of perversions and promiscuities.

The *sūrah* goes on to show that all this erosion of emotional attachments in society is preceded and accompanied by usurious practices and illegal financial transactions. Peoples' rights are trampled. Trusts are betrayed. An aggressive public attitude, characterized by widespread victimization and a devaluation of human life, develops. Justice becomes the monopoly of those who combine power and fortunes. There is a tight grip on money; the less fortunate wind up in what seems like a perpetual underclass composed of society's outcasts: the orphans, the women, and the poor.

These are some of the features of anti-Islamic social structures; and these are some of the traits this *sūrah* identifies and then remedies. It remains up to us to prime ourselves with its meanings and assume the responsibilities of meaningful change, which this world is crying out for.

This is not to say that secular and godless societies have no merits. In point of fact, they do. And when these societies are acquainted with Islam and become self-assertive of its social orientation they will amplify their merits and correct their mistakes as they realign themselves with Allah (ﷻ) and His divine principles. Conversely, these very same merits will necessarily perish in due time if these societies "progress" to the end result of their depravities and perversions. All societies are bound to perish because their rush to wealth and power has the inevitable effect of eroding the moral standards that safeguard the proliferation of justice throughout all aspects and at all levels of the social order. The pre-Qur'anic Arabian society had its merits: it was hospitable, it was generous, and it was the custodian of the Holy Sanctuary in Makkah. But the

cumulative value of these social and religious merits were insufficient to equip life and society with the orientation to Allah (ﷻ) that makes it possible to “create” a civilization, which nurtures virtues and nullifies vice. There was a generation that actually achieved all this; they went from being the scum of the earth to becoming its masters. This generation was the one that was transformed during the Prophet’s (ﷺ) time from *kufr* to *īmān*.

We should not lose sight of the fact that today’s societies are in need of this Qur’an as much as the society in which it was revealed. Today’s moral and social vices are staggering. There is an obvious disintegration in Euro-American as well as other traditionally and culturally motivated societies. A worldwide decomposition is eroding the very fabric of family and the very structure of society, which have both been preserved for so long due to scripture. Mankind has reached a point where no one can deny these facts. The lessons we are to learn from this *sūrah* are very precious; and even learning them will not come easy as the world has been conditioned to think along Hollywood lines. The mental images and stereotypes filling the airwaves are so strong, so consistent, so persuasive, and so abundant that deconstructing them, in and of itself, is a challenge.

The *sūrah* winds up with a return to family and feminine issues, their rights, and the rights of orphans. The beginning of the *sūrah* reverberates with its ending. But there are those who, not unlike termites eating away at the foundation of a house, try to weaken this strong social structure from within. And, hence, portions of this *sūrah* revisit the nature and composition of dual-loyalists and turncoats (*munāfiqs*) beginning with, **“And you have in the *munāfiqs* two types...” (4:88)**, in the aftermath of Uḥud, even though approximately 60 *āyāt* of the previous *sūrah* dealt with them. There is also a follow-up to the *āyāt* from *Sūrah Āl ‘Imrān*,

**...who responded to the call of Allah and the Apostle after misfortune had befallen them. A magnificent requital awaits those of them who have persevered in doing good and remained on their defense [against**



Allah's power to punish]; those who have been warned by other people, "Behold, a horde has gathered against you; so beware of them [the horde]," whereupon this only increased their [the devoted Muslims] commitment, so that they answered, "Allah is enough for us; and how excellent a guardian is He!" (3:172-173).

with this *āyah* from *al-Nisā'*, "And do not lose momentum in pursuing their masses." These *āyāt* belonging to sequential *sūrah*s refer to Ghazwah Ḥamrā' al-Asad which followed in the immediate wake of Uḥud.

This *sūrah* helped generations of Muslims before us relocate themselves back into the hands of Allah (ﷻ) — as individuals, households, communities, societies, and a human race. It can help us do it once again, because the prescription and the program of the Qur'an will be available to any generation that accepts the responsibility of carrying the Covenant. It might not be easy but the alternatives are catastrophic.

## Safeguarding Families to Build Caring Societies

- (4:1) O People! Avoid your Sustainer [and His corrective power], who has created you out of one living organism/spirit, and out of it created its mate, and out of the two spread abroad a multitude of men and women. And remain guarded of Allah, in whose name you demand [your rights] from one another, and of these ties of kinship. Verily, Allah is ever watchful over you!
- (4:2) Hence, allocate to the orphans their possessions, and do not substitute damaged goods [belonging to you] for assets [belonging to the orphans], and do not consume their possessions together with your own: this, verily, is a great bias.
- (4:3) And if you have reason to fear that you might not act equitably toward orphans, then marry from among [wid-

## بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَتَأْتِيهَا النَّاسُ أُنْتَقُوا رَبُّكُمْ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا  
زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۗ وَأَنْتَقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ  
وَالْأَرْحَامَ ۗ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴿١﴾ ۗ وَأَنْتُمْ أَلْيَنُكُمْ أَمْوَالُهُمْ ۗ وَلَا  
تَتَّبِعُوا الْخَيْثَ بِالْطَّيِّبِ ۗ وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ ۗ إِنَّهُ كَانَ حُوبًا  
كَبِيرًا ﴿٢﴾ ۗ وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَنْمَىٰ فَانكِحُوا مَا طَابَ لَكُمْ  
مِنَ النِّسَاءِ ۗ مَثْنَىٰ وَثُلَاثَ وَرُبْعَ ۗ فَإِنْ خِفْتُمْ أَلَّا نَعْدِلُوا فَوَاحِدَةً أَوْ مَا  
مَلَكَتْ أَيْمَانُكُمْ ۗ ذَلِكَ أَدْنَىٰ ۗ أَلَّا تَعْلَمُوا ﴿٣﴾ ۗ وَأَنْتُمْ أَلْيَنُ النِّسَاءِ ۗ صَدَقْتِهِنَّ  
نِخْلَةً ۗ فَإِنْ طَبَنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا ﴿٤﴾ ۗ وَلَا  
تُوتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَمًا ۗ وَارْزُقُوهُمْ فِيهَا  
وَأَكْسُوهُمْ ۗ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ﴿٥﴾ ۗ وَأَبْلُوا الْيَنْمَىٰ حَتَّىٰ إِذَا بَلَغُوا  
النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ ۗ وَلَا تَأْكُلُوهَا  
إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا ۗ وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ ۗ وَمَنْ كَانَ  
فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ ۗ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ ۗ  
وَكَفَىٰ بِاللَّهِ حَسِيبًا ﴿٦﴾ ۗ لِلرِّجَالِ نَصِيبٌ مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ

وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ  
 كَثُرٌ نَّصِيبًا مَّفْرُوضًا ﴿٧﴾ وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ  
 وَالْيَتَامَىٰ وَالْمَسْكِينُ فَأَرْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا  
 ﴿٨﴾ وَيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَةً ضِعَفًا خَافُوا  
 عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا ﴿٩﴾ إِنَّ الَّذِينَ  
 يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا  
 وَسَيَصْلَوْنَ سَعِيرًا ﴿١٠﴾ يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ  
 مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا  
 تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ  
 مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ  
 وَوَرِثَتْهُ آبَاؤُهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ  
 بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينٍ ؕ وَأَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ  
 أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا  
 حَكِيمًا ﴿١١﴾ وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ  
 لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا

تَرَكَنَ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ ۗ وَالْهَرَبُ  
 الرَّبِيعُ ۚ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ  
 لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَتُمْ مِنْ بَعْدِ وَصِيَّةٍ  
 تُوصُونَ بِهَا أَوْ دَيْنٍ ۚ وَإِنْ كَانَتْ رَجُلٌ يورثُ كَلَلَةً أَوْ  
 أَمْرَأَةً وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِنْ  
 كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۚ مِنْ بَعْدِ  
 وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ  
 عَلِيمٌ حَلِيمٌ ﴿١٢﴾ تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِعِ اللَّهَ  
 وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ  
 خَالِدِينَ فِيهَا ۚ وَذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ  
 يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا  
 فِيهَا وَلَهُ عَذَابٌ مُّهِمٌ ﴿١٤﴾

owed] women such as are lawful to you — [a corresponding] second, third, or fourth; but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one [wife], or [from among] those who are in your protective care. This will make it more likely that you will not deviate from the right course.

- (4:4) And give to women their marriage portions in the spirit of a gift, but if they, of their own accord, give up to you any of it, then enjoy it with pleasure and good cheer.
- (4:5) And do not entrust to those who are weak of judgment the possessions that Allah has placed in your charge for [their] support, but let them have their sustenance therefrom, and clothe them, and speak to them in a kindly way.
- (4:6) And test the orphans [in your charge] until they reach marriageable age; then, if you find them to be mature of mind, hand over to them their possessions; and do not consume them by wasteful spending, and in haste, before they grow up. And let him who is rich abstain entirely [from his ward's property]; and let him who is poor partake thereof in a fair manner. And when you hand over to them their possessions, let there be witnesses on their behalf — although none can take count as Allah does.
- (4:7) Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much — a share ordained [by Allah].
- (4:8) And when [other] near of kin and orphans and needy persons are present at the distribution [of inheritance], give them something thereof for their sustenance, and speak to them in a kindly way.
- (4:9) And let them stand in awe [of Allah], those [legal heirs] — who, if they [themselves] had to leave behind weak offspring, would feel fear on their account — and let them remain vigilant of Allah [and His power in human affairs], and let them speak [to the poor] in a just manner.
- (4:10) Behold, those who sinfully devour the possessions of orphans only fill their bellies with fire: for [in the life to come] they will have to endure a blazing flame!
- (4:11) Concerning [the inheritance of] your children, Allah enjoins [this] upon you: the male shall have the equal of two females' share; but if there are more than two females, they shall have two-thirds of what [their parents]

leave behind; and if there is only one, she shall have one-half thereof. And as for the parents [of the deceased], each of them shall have one-sixth of what he leaves behind, in the event of his having [left] a child; but if he has left no child and his parents are his [only] heirs, then his mother shall have one-third; and if he has brothers and sisters, then his mother shall have one-sixth after [the deduction of] any bequest he may have made, or any debt [he may have incurred]. As for your parents and your children, you know not which of them is more deserving of benefit from you: [therefore this] ordinance from Allah. Verily, Allah is All-Knowing, Wise.

- (4:12) And you shall inherit one-half of what your wives leave behind, provided they have left no child; but if they have left a child, then you shall have one-quarter of what they leave behind, after [the deduction of] any bequest they may have made, or any debt [they may have incurred]. And your widows shall have one-quarter of what you leave behind, provided you have left no child; but if you have left a child, then they shall have one-eighth of what you leave behind, after [the deduction of] any bequest you may have made, or any debt [you may have incurred]. And if a man or a woman has no heir in the direct line, but has a brother or a sister, then each of these two shall inherit one-sixth; but if there are more than two, then they shall share in one-third [of the inheritance], after [the deduction of] any bequest that may have been made, or any debt [that may have been incurred], neither of which was intended to harm [the heirs]. [This is] an injunction from Allah, and Allah is All-Knowing, Forbearing.
- (4:13) These are the bounds set by Allah. And whoever pays heed to Allah and His Apostle, him will He bring to gardens through which running waters flow, therein to abide; and this is a triumph supreme.
- (4:14) And whoever renounces Allah and His Apostle and transgresses His bounds, him will He commit to the Fire,

**therein to abide; and shameful suffering awaits him (al-Nisā':1-14).**

Away from the fast life of Hollywood and New York, unburdened by the culture of materialism and consumerism, and free of its impulses, man finds himself at the center of social and personal realities — realities and facts that come with his pristine human nature, the way Allah (ﷻ) intended it to be. Here in these introductory *āyāt* man is placed far away from the acculturation of the media and its godfathers; he is relocated to where he is supposed to be: in the presence of his Maker and Fashioner, who is referred to here as the Sustainer. The One who created man is the One who sustains man. He tells him that all human beings belong to one origin, to one species, to one race, and to one family. Humanity with all its races, ethnic stocks, and color variations is a homogenous mass of people simply because everyone originated from the same father. And society itself has affinity because all its building blocks are the families within it. Is it possible to imagine a viable society made of pieces that are not families?

Man in the fast lane of materialistic life — virtually running out of breath to make gains and profits — overlooks the fact that social realities are not of his initiation. A family, for instance, has been the bedrock of all societies since the beginning of time. And it still remains the centerpiece of any society. And little does man, even though he has advanced into unprecedented scientific frontiers, want to acknowledge a simple and verifiable observation: social reference points are predetermined by Allah (ﷻ). And man has to honor this fact. Any society “engineered” by the limited capacities of man will quickly degenerate into a confounding disaster. The wayward God-eliminating experience of the Soviet Union still resonates today as that totalitarian government tried to redesign human relations into what amounted to a superficial society — a society that collapsed within a century, bringing down with it all its elaborate revolutionary theories, social presumptions, and ideological underpinnings. The simple fact of this grand failure was the sophisticated silence about the very essential information coming from these *āyāt*.

Allah's (ﷻ) power is ingrained and deep-rooted in our inter-social world. The moment we choose to ignore Him and His power influence in our own contemporary affairs we begin to disintegrate. The more we think about these *āyāt* the more we realize that the optimum success man can achieve in life is to extend family feelings and harmoniousness to encompass the broader society around, or in other words, to fit the world into the correspondences and dispositions found in family life. When feelings of affection, care, love, and cooperation run strong among members of individual families, they should run strong among the members of one society. When siblings know each other very well due to their association with and “ownership” of one family structure, citizens should know themselves equally well when they belong to one “extended family” structure — or society.

No one should be excluded from this ambiance of passion and warmheartedness because he is an orphan, a female, or poor. There are important issues pertaining to individuals or “classes” of people who societies want to abandon. Orphans, widows, the handicapped, the “lower classes of society,” “minorities,” and others cannot be left to the philanthropic altruism of isolated individuals here and there. There needs to be a public morality that sustains public laws, which in turn make it possible for the “less fortunate” in society to feel they “belong.” Orphans have to comfortably fit into the normal day-to-day life of the overall society. Inheritance has to be regulated so that capital wealth is dispersed fairly and equitably. And all this is necessarily referred to Allah (ﷻ), as it is evident that man, left to his own tendencies, is incapable of justice and compassion when it comes to issues of distribution and care for the dispossessed. Allah (ﷻ) is the only one who qualifies to show man the way through this social maze. All man need do is listen, learn, and live the instructions that come from his Sustainer.



## Man's Civil Status Does Not Tolerate Racism or Sexism

**O People! Guard yourselves against your Sustainer [and His remediating power], who has created you out of one living force, and out of it He created its consort, and out of the two He diffused a multitude of men and women. And remain overcautious of Allah [and His demonstrated power], in whose name you demand [your rights] from one another, and of these ties of family relationships. Indeed, Allah is ever vigilant over you! (4:1).**

The *sūrah* begins by addressing itself to the peoples of the world. It is not restricting itself to “believers” or “Muslims” or any other class of people. It is going directly, openly, and candidly to all people, advising them to be on their guard when it comes to the power of their common Sustainer. The private and social issues that are to follow are peculiar to all people, regardless of their conviction or creed. Everyone who can hear and understand these words should know that family ties are embedded in human nature, and that Allah (ﷻ) is the Sustainer of one and all, and that He did, can, and will demonstrate His restorative power in human affairs when the time is right. All human beings, all peoples, and all mankind should honor Allah’s (ﷻ) power — first and foremost by affirming His decree to intervene in human affairs when these humans themselves have lost hope or misplaced their confidence in Him.

At a time unbeknownst to man, Allah (ﷻ) created him from one *nafs* (vital self). Now, if everyone were to pause for a moment and think about this sentence, “**O People! Avert your Sustainer [and His austere power], who has created you out of one *nafs*, and out of it He created its spouse, and out of the two He dispersed a multitude of men and women...**” they would come to terms with the fact that everyone on earth is another person’s relative. And if everyone, in a sense, is another’s distant descendant brother, then how did man come up with the idea that he is superior to the other men in a neighboring land, country, or continent?

Man, in his God-given state of nature, should be cognizant of two immediate facts. First, man has a powerful, superior Sustainer who is able and willing to correct human deviation and dereliction once it reaches a point of no return. And second, every human being descended from the same parents and therefore there is no validity to racist or nationalist ideologies that violate the equality and brotherhood of all members of the human family. These are straightforward issues that have to be publicized and universalized among the peoples of the world — not only in theory but, just as importantly, in practice.

These are not “ideological” issues. These are issues that are verifiable by a scrutiny of human history, which proves that Allah (ﷻ) demonstrates His omnipotent corrective force when societies decline Him and deviate away from His social laws (*sunan*). These are biological issues in which there is no scientific proof or foundation for racial discrimination, ethnic bias, or nationalist prejudice. Everyone comes from the same family.

Buried under the rubric of totalitarian, nationalist, and racist rationalizations is the fact that man has no basis for developing racist or nationalist ideological arguments that try to give preference to a particular society because of the color, language, or race given to it by Allah (ﷻ). The fact of the matter is that Allah (ﷻ) gave all peoples of the world their characteristics. We, the people, did not decide what color or what language we were to have when we were created. And if we are to honor Allah’s (ﷻ) will then we should equally respect all human beings for the physical features Allah (ﷻ) gave them; otherwise, our racist or nationalist “ideologies” are taking issue with Allah (ﷻ), and not with man.

When man persists on his nationalist or racist course he, knowingly or not, solicits Allah’s (ﷻ) salutary and restorative power. And this can come in the form of “natural catastrophes” or civilizational disintegration.

A civilization can go back to basics and affirm the fact that Allah (ﷻ) is the Source of life, the Creator of man, and the Equalizer of societies. Or a civilization may choose to disregard Allah’s (ﷻ) power and pursue its destructive course until such time when

Allah (ﷻ) will step in and correct the conceptual deviation that resulted in a civilizational digression.

The words of Allah (ﷻ) in this delicate Scripture are clear, **“He has created people [with all their physical varieties] out of one living being...”** The word *created* is used because its known general meaning points to an existence that is spawned from nothing due to the will and wisdom of Allah (ﷻ). Allah (ﷻ) relates an event that man has no recourse to: He created man from one *nafs* out of which He created its married partner. It is out of this combination of corresponding selves (male and female) that He spread men and women all over the world. At this point there appears to be a polarized position about how this happened. There are some Jews, Christians, and Muslims who suggest that the act of creation may have taken eons. This, they say, defines the process of evolution. To them evolution is a slow process of change from one form to another, as in the evolution of the universe from its formation in the Big Bang to its present state, or in the evolution of life on earth.<sup>3</sup> On the flip side of this understanding of creation are some other Muslims, Christians, and Jews who take issue with the hypothesis of evolution as conflicting with the belief that Allah (ﷻ) created all things.

The idea of continuous evolution in the living world can be traced far back to those who used to say, **“But it is only our worldly life in which we die and live, and we perish only because of the effects of aging” (45:24).** These types have always been around and they can be traced to the beginnings of human history. But this notion or idea did not attract wide societal consideration until the 19th century, following the work of Charles Lyell, J.B. Lamarck, Charles Darwin, and T.H. Huxley.<sup>4</sup> Darwin assigned the major role in evolutionary change to what he characterized as *natural selection* acting on randomly occurring variations. Natural selection, as it is taught, occurs because those individuals better adapted to their particular environments reproduce more effectively, thus contributing their characteristics to future generations. The current theory of evolution, called *Neo-Darwinism*, combines Darwin’s theory with Gregor Mendel’s theories on genetics and Hugo

de Vries' discovery of genetic mutation.<sup>5</sup> Although neither the general concept of evolution nor the importance of natural selection seems to be a matter of serious contention among the vast majority of biologists, there remains a dispute over other possible processes involved in evolutionary change. Beside the theory of natural selection and sexual selection, *chance*, it is said, may play a large part in deciding which genes become characteristic of a population, a phenomenon called "genetic drift." It is now acknowledged in certain scientific circles that evolutionary change does not occur at a constant rate, but that the process can have long periods of relative stability interspersed with periods of rapid change. This has led to new assumptions, such as the *punctuated equilibrium model*, developed by some late-20th-century scientists who partly base their thesis on the stability-change theory.<sup>6</sup>

The theories above represent the mainstream attitude about how man came into being, how he evolved into existence, and how he acquired life. This long and tortuous way of understanding how life itself evolved into its human form does not have a basis in the Qur'an. It would take a considerable amount of imagination to conclude that there is Qur'anic substantiation for the assumptions of evolution above. Even the understanding of creation in the "religious" portion of Western civilization, if it can be characterized as such, is largely unconvincing. *Creationism*, as it is now referred to in Judeo-Christian literature, is a theory concerned with the origins of matter and life, strongly asserting, as does the Bible in Genesis, that the world and humanity were created by a supernatural Creator, not more than 6,000 years ago. It was developed in response to Darwin's hypothesis of evolution; and there are many scientists in the secular civilization of the Judeo-Christian heritage who do not recognize creationism as having a factual basis. After a trial in 1981–1982, a US judge ruled unconstitutional an attempt in Arkansas schools to enforce equal treatment of creationism and evolutionary theory.<sup>7</sup>

In the course of Islamic history there has been something like a scholarly consensus that understood and then explained the Qur'anic words *nafs wāḥidah* (*one living being*) to refer to Ādam (ﷺ),

who is considered to be the forefather of mankind. The corollary from this understanding is that there is only *one* Adam (ﷺ). And for those who claim that there were a number of Adams, they are held to be in contempt of the meanings of these clear *āyāt*.

This mainstream reasoning goes on to say that the *mate* or *spouse* (*zawjahā*) in the above *āyah* refers to Ḥawwā' — Eve (ﷺ). And some interpreters go further and say that Ḥawwā' was created from Ādam's (ﷺ) left rib. Further details are disconcerting as they say that Ādam was sleeping and he woke up and saw Ḥawwā' (ﷺ), only to be charmed and captivated by her; they both felt accommodated and adapted to each other. The whole narrative is complicated by the fact that it is cited in the Two Ṣaḥīḥs. The hadith reads something like this, "Give heart to women. They were created from a rib; if a rib is twisted and you try to set it straight it breaks, and if you leave it as it is it remains twisted [or deformed]." <sup>8</sup> This is the type of hadith that does not meet the established standard of equality and reciprocity enunciated throughout the indisputable Qur'an and other hadiths of the Prophet (ﷺ).

The words in the *āyah* are uncluttered. The Sustainer of humankind created human beings from one living life form: *nafs*. And from this form of vital life He created its gender counterpart. There is no gender issue here. And even if it were to be agreed that Eve was created from the vital life of Adam (ﷺ) there is no inference of gender discrimination. Reference to gender follows this act of creating a couple *from* or *of* each other, "**...and [out of the couple] He scattered a multitude of men and women.**" This multitude is a reference to the number and variety of humans who dwell on earth.

It is interesting to note that there is a similarity between the meanings of the hadith above and the narrative in the Bible. The Book of Genesis describes Adam and Eve (ﷺ) as the first human couple, from whom all the rest of humanity descended. Furthermore, *Adam and Eve* is a generic phrase meaning *humankind* (Genesis, 1:27).<sup>9</sup>

According to biblical teachings God shaped man from earth's dust, and by breathing into his nostrils the breath of life, He made

him into an animated creature. This man was placed in the primeval Garden of Eden to tend to it. On penalty of death, he was commanded not to eat from the tree of knowledge of good and evil. The man shared in the creation of the animals by naming them. To alleviate his loneliness, God formed Eve (ﷻ) from his rib. The two lived harmoniously. They were both innocent of their nakedness, until the woman, with intellect awakened, yielded to the serpent's temptation, thereby causing the man also to join her in eating the forbidden fruit. Immediately the aberrant couple was confronted by God who began to issue punishments — the pain of childbirth and subordinate status for the woman, and existence as a laborer on a cursed ground for the man. Thereupon the couple was driven from the Garden.

It is obvious from such teachings that there is a gender discrimination of sorts between Adam and Eve (ﷻ). But in this Qur'anic discourse, no such discrimination or favoritism is to be found. No *āyāt* in this holy Writ will either suggest or imply a status difference between Adam and Eve (ﷻ) — or between man and woman.

To the contrary, the *taqwá* that is impressed on all people from reading this *āyah*, and the hundreds of *āyāt* in the Qur'an in which *taqwá* is mentioned, divorces the man of his "power," which is almost always the social justification for man having a higher position in society than woman. If everyone in society is observant of Allah's (ﷻ) power then there is no room for man abusing his power vis-à-vis women in family or society. To put it more succinctly: the sting of *taqwá* displaces the power edge of man over woman in society. Man is not permitted to flex his muscles; he is encouraged to stretch his conscience.

There is also another consideration that places an uncertainty around whether Eve was created from the rib of Adam (ﷻ): if she was his wife then they must have shared a similar pool of genes, and would that not mean that their marriage is akin to incest? But was there anything at that time that prohibited this type of marriage? And the answer will remain elusive for the time being. The same question can be equally applied to the children of Adam and Eve (ﷻ): were brothers and sisters marrying each other and procreating

in such a way? The human mind cannot find a satisfactory answer to these questions because it has not and cannot put Allah's (ﷻ) act of creation in a laboratory. The word *create* is part of the human lexicon, its general meaning is known; however, to verify its implications in the material and mechanical world of man is outside the realm of his understanding. No one can scientifically and technically point to the act of creation within the female and male act of procreation. A host of scientific, medical, and research tools can identify conception, pregnancy, and birth. But none of that information is going to verify the Will of Allah (ﷻ) as it works through these human practices and observations.

There is a subtle meaning that goes undetected in the *āyah*, **“...and out of the two He distributed a multitude of men and women.”** Allah (ﷻ) did not say He distributed a multitude of *males* and *females*; in point of fact, He says *men* and *women*. Some commentators of the Qur'an lump these two together. But the reader should realize that Allah (ﷻ) is not imprecise in His choice of words. It serves no purpose in the real challenges of life to confuse the public mind with “gender consciousness” when both genders may be defined by their social value rather than by their lower instincts. The word *rijāl* (men) refers to a physical being who is prone to striving. And how apt a description for the complementary responsibilities of men vis-à-vis women in society. The word *nisā'* (women) refers to a sentimental being who is inclined to socialization. And how apt a meaning for the interactive responsibilities of women vis-à-vis men in society.

Another reason why human curiosity may not be entirely satisfied with the “initial creation” is that human empirical work cannot physically and microscopically define a *nafs*. Allah (ﷻ) says that he created us from one *nafs*; He did not say He created Adam (ﷺ) only from that *nafs*. And so there it is: an incomplete knowledge of what a *nafs* is coupled with the lack of knowledge of how creation takes place leaves us with a less than perfect explanation that is more inclined to creationism than it is to evolution.

## Should Confused Western Theories Define Gender Relations?

**And raise your guards when it comes to Allah, through whom you pose your queries, and the wombs. Verily, Allah is ever watchful over you (4:1).**

Humanity, in light of this *āyah*, comes from one origin. It springs from one source and is released by One Creator. Therefore, humanity correlates, corresponds, and cooperates in its God-given state of being. How can anyone presume any gender sensitivity or sex chauvinism from these words?

**O People! Ward off Allah [and His power presence in your social affairs] who has created you from one *nafs* and created from it its corresponding other; and out of the two He has dispersed a large number of men and women... (4:1).**

Yet, it is Islam that is accused of oppressing women and treating them as if they are a lesser form of life. Man has proven throughout the course of history that he is capable of suppressing these facts and also of contriving new ideas and practices that do not spring from this holy and sanctified Source. The world in its social structures has gone off on a satanic tangent by espousing racism and nationalism instead of adopting the curative concepts of expanding family ties to the world around, or in other words, of recasting societies in a family nexus.

There is a call for today's Muslims who understand these meanings beyond a mental or academic setting to transplant these meanings into reality. When that happens, jingoistic nationalism, intolerant ethnicism, as well as vicious racism will automatically pass away. The past five centuries of Euro-American ascendancy have burdened the planet with feuds and warfare that stem from an attitude diametrically opposed to the grain and substance of these *āyāt*. And with it, the world has experienced a sense of race consciousness. Under racist regimes the average man has forgotten that



everyone on earth belongs to one father and to one Creator. We human beings, of whatever race or color, owe it to ourselves to acknowledge our equality and we owe it to Allah (ﷻ) to acknowledge His Authority.

The expansion of family feelings and fidelity to the larger world would save humanity the dreadful consequences associated with the disparity between the very few who have and the very many who do not. Family feelings in society would preclude one from permitting his brother to sleep on an empty stomach or to pass the night under an open sky. If roughshod tycoons and predatory entrepreneurs could regain family feelings and expand those feelings to include the less fortunate, then the larger mass of people would be spared class consciousness. Humanity spent almost the entire 20th century in a bipolar struggle between capitalism and communism trying to sort out this class consciousness in one way or the other. And as is to be expected, when the solution to a serious social problem comes from man it is bound to fail. The attempted socialist solution to class consciousness failed. This 100-year human experience and its accompanying human degradation is just another reason why man should heed these life-giving *āyāt*.

If people could only put aside their prejudiced misinformation and understand these *āyāt*, they would have a world free of gender consciousness. The further people stray from this scriptural fountainhead the more they make life harder for themselves. Not one *āyah* in this Qur'an slights women. Yet when "Muslims" and non-Muslims alike chose to disregard these meanings they wound up treating women in every way possible except the right way. At one time in history some peoples and populations regarded women as the source of evil and wickedness. Such attitudes diametrically collide with the sublime meanings in this sacred Script. Man and woman come from the same seed and source, equally and reciprocally. Men and women were created to be each other's significant half. There is no difference between their human nature and temperament; the variation is in their predilections and functions.

Allah (ﷻ) summons all human minds to the cogency of these *āyāt* to spare them future reaction and regression concerning the

proper treatment and regard of women. Consideration here is directed more at how the Euro-American paradigm has shaped the role and “nature” of woman than at other parts of the world simply because the Euro-American model has virtually engulfed the world due to the influence of Hollywood, diplomacy, and missionary activities. The Euro-American position on women started at the extreme that considered women a repository of evil in the first 1,500 years CE and now the same tradition has gone to the other extreme where women are superior to men. The Euro-American world has produced in its “post-modernity” phase concepts like *feminist theology* — a critique of the Judeo-Christian understanding of the Bible, especially Christianity, which is regarded as being predominantly male-oriented and presented in non-inclusive language. In its reconstruction of traditional theology, emphasis is placed on symbols, models, and images that express the religious, social, and psychological experience of women.

The Euro-American West goes on to react to its own inordinateness and excesses by also producing *feminist criticism* — a literary criticism written from a feminist standpoint. The main objectives are to reassess the “established canon,” exposing sexist attitudes in particular works themselves and asking why these were selected to begin with; and also to promote the works of neglected women writers. Early influences were Virginia Woolf’s *A Room of One’s Own* (1929) and Simone de Beauvoir’s *Le Deuxieme Sexe* (1949, *The Second Sex*).<sup>10</sup> The field is now widespread, active, and comes complete with its conservative detractors.

The slapdash character of Euro-American civilization finally woke up to *gender* — the social expression of the basic physiological differences between men and women or, in other words, social behavior that is deemed to be appropriate to “masculine” or “feminine” roles and that is learned through primary and secondary socialization. Thus emerging social theories suggest that, while sex is biological, gender is socially determined. The concept has attracted particular attention since the 1960s, as part of the debate concerning sexism in society. And still in the absence of human intellectual contact with the Qur’an the “scientifically” developed

Euro-American mind went about investigating, still from a secular power perspective, *sexism*. And far from being open-minded about God, these secular academics noticed a set of preconceived assumptions about the “proper” roles, attitudes, and characteristics — especially physical — that men and women should have, typically working to the advantage of men over women, for example, the assumption that “a woman’s place is in the home,” or that men are “naturally aggressive.” Sexism, identified by behavior, speech, and the written word, is criticized most strongly by feminists.

Thirteen centuries after this Qur’an broke the illiteracy barrier in Arabia, the Arabians returned to their *jāhiliyah* and the secular heads in the West finally inched their way toward giving women equal status in society in as far as their civil standing is concerned. In the late-19th and early-20th centuries a movement began in the UK and US to secure voting rights for women. The vote was won after World War I (WWI), in 1918, though it was limited to those women 30 years of age or older. There were many opponents, men and women alike, of female suffrage, and in England it was not until 1929 that women over 21 achieved the right to vote.

When human nature is mistreated, why do some people accept mistreatment in a humiliating way, and why do others rebel against it in a dignifying way? When women in the non-Muslim world had gone through enough abuse and degradation they launched a broad cultural and political movement initiated by women to improve their social position by freeing themselves from the constraints and disadvantages of a society said to be dominated by men. Women’s liberation has very strong roots in the US and Europe, and has been politicized, especially by radical feminists who claim the continued existence of *patriarchy*, that is, male dominance, in capitalist societies. The origins of women’s liberation in the West can be traced back to the French Revolution (1789).<sup>11</sup>

It takes a confused West to study the history and contemporary role of girls and women in society. Information and opportunities for new research are more available in further and higher education than in secondary schools. Of course, such study is favored by feminist groups, who feel that girls and women are dis-

advantaged and that the nature of this disadvantage often goes unmentioned in education.

It is a sad moment in time when people who are expected to live by the Qur'an live by ignoring it; while others who are thought to be outside the domain of the Qur'an have reached through their long and bitter trial and error with human nature some of the guidance provided in this Qur'an, such as the meritorious standing of women in society. This writer has to say that from reading and understanding the meanings of this enlightening Book, it is a cause of great embarrassment to see today's Muslim women, a full 14 centuries after these *āyāt* came to humanity, as less-than-equal and non-participatory civic human beings. In the land of revelation, in the provenance of Islam, in the birthplace of Muhammad (ﷺ), and in the territories around Makkah and Madinah it is "official:" women cannot vote. Women may ride donkeys but they may not drive cars!

### Assaults on the Womb

The *āyah* tells people across their cultural and ethnic "divides" to guard against Allah's (ﷻ) power, as it is a fact of history, social dynamics, and governmental deviations. Allah (ﷻ) will disrupt man's plans and strategies if they are in conflict with Him. The *āyah* also tells all peoples, regardless of their particular civilization or peculiar nationalities to guard against violating family ties. It is in one *āyah* that Allah (ﷻ) places His violation and the violation of family affinities on the same plane. A family has its maternal and paternal sides; and both should be honored and reinforced. This is a serious issue, and its weightiness is underscored when Allah (ﷻ) connects Himself and family relationships together in one sentence. In another *āyah*, He says,

[Ask them], "Would you, perchance, after turning away [from Allah's commandment, prefer to revert to your old ways, and] spread corruption on earth, and [once again] cut asunder your ties of kinship?" (47:22).

Here global corruption is connected to the disintegration of family bonds. The inference is that there is a correlation between global instability and family imbalance.

It is this emphasis on family life and values that puts all Muslims in agreement on the importance of maintaining family contacts. Severing these contacts is a flagrant violation of Allah's (ﷻ) will and His organization of human life. This whole nexus of human relations is referred to in Qur'anic and Islamic terminology as *ṣilah al-rahm* (literally, *connecting wombs*). In a Muslim culture that has deteriorated into traditions where the traditions have further regressed into customs, it is interesting to note that a patriarchal society — as everyone regards an Islamic society to be — is commanded to stay intact by honoring the womb! The Islamic lexicon almost always refers to the *womb* as inclusive of all relatives whether they are immediate-family blood relatives (*maḥārim*), such as sister and aunt, or non-immediate-family blood relatives, such as full cousins or second cousins. This family institution, according to Islamic standards of social and civilizational stability, has to be preserved in the face of manifold assaults on it.

One of the primary assaults on family life and family ties is *contraception* — the prevention of pregnancy following sexual intercourse — also known as *birth control* or *family planning*.<sup>12</sup> For centuries its practice was opposed by the Church and the medical profession, but it has come to be widely advocated in order to control populations, protect against venereal disease, and regulate the size of families in certain “overpopulated” societies. Contraception is one way of “severing the womb.” However, blights on family life and kinship relations are not limited to the “human tricks” that try to divert the Will of Allah (ﷻ) from taking its course in the sacred unity between husband and wife.

Human societies have to contend with the issue of *divorce*. Divorce is in many of its cases another way of assaulting the sanctified womb. In many human societies, divorce is the termination by court order of a valid marriage, the criteria for which varies greatly between countries and jurisdictions. Some courts recognize only one ground for divorce: the irretrievable breakdown of mar-

riage. This must be supported by one of five proofs. The person applying for the divorce, the petitioner or pursuer, must show that the other party, the respondent or defendant, has

1. committed adultery;
2. displayed unreasonable behavior;
3. deserted the petitioner for two years prior to the divorce petition;
4. lived apart from the petitioner for two years, and consents to the divorce; or,
5. lived apart for five years.

Custody of any children, and financial arrangements, may be agreed between the parties or be decided by the court — based on religious or secular references. Some jurisdictions recognize no-fault divorce based on incompatibility, irreconcilable differences, living separately for a fixed time (usually one to three years), or mutual consent to divorce; however, the grounds for divorce vary considerably among human societies and within different jurisdictions. With the gradual secularization of family values, and the accompanying redefinition of “family” itself, the frequency of divorce has increased steadily since the 1960s.

Another assault on the womb and therefore on family ties comes from *celibacy* — a way of life involving voluntary abstinence from sexual intercourse. In some religions, such as Christianity and Buddhism, celibacy is a requirement for certain religious roles, such as the priesthood or a monastic life. Other religions, including Judaism, strongly discourage celibacy.

And finally, one of the most schismatic violations of the womb is *abortion*. Abortion is the spontaneous or induced termination of pregnancy before the fetus is viable. This can range from a couple of weeks to more than 24 weeks, even though some fetuses expelled before 24 weeks may survive. In some countries the time limit may be set some weeks earlier than the 24th week. There is no consensus on this matter in the USA, but the US Supreme Court decision in *Roe versus Wade* (1973) made abortions legal during the first six months of pregnancy.<sup>13</sup> Spontaneous abortion (miscarriage) occurs in about 20% of apparently normal pregnancies,

and may not be recognized. It may arise from defects in the products of conception, in the uterus and placenta, or in the maternal environment, due sometimes to maternal illness. Abortion can be induced by the use of drugs — especially prostaglandin and mifepristone — or by surgery. Unless permitted by “abortion laws,” induced abortion is a criminal offense in some countries.

**“Verily, Allah is constantly watching over you.”** This is a reminder that these human assaults on the family ties that are related to the womb are being monitored by Allah (ﷻ). Men and women will not be able to elude Allah (ﷻ) with their ravishments of the womb via contraception, sterilization, turn-on-a-dime divorce, celibacy, and “recreational” abortion. These are abominable acts and are to be avoided by any means. There may be exceptions to this divine law, but they remain exceptions and not normal procedure.

### A Civil Society Cares for the Dispossessed

After emphasizing family ties, Allah (ﷻ) immediately reminds man of his responsibility to society’s orphans,

**Hence, apportion to the orphans their possessions, and do not substitute liabilities [belonging to you] for assets [belonging to the orphans], and do not squander their possessions together with your own: this, verily, is a major prejudice (4:2).**

In this *āyah* guardians of orphans are told to give the orphans what rightfully belongs to them once they reach the age of puberty. No guardian should ever marry a minor orphan to confiscate or repossess her money. But in the case where orphans themselves display immaturity, foolishness, and childishness even though they may have reached the age of puberty, then provision has been granted for measures to be taken to prevent such orphans from squandering or otherwise forfeiting their right to reasonably and responsibly reclaim their due inheritance. The money and wealth denied to naive or

juvenile orphans, when they reach the appropriate age to claim it, reverts to the public trust because money is a public commodity.

Standards along with parallel behaviors are prescribed by this set of *āyāt* to be sensible, impartial, and fair to women. Relationships between men and women in an Islamic society should neither be defined by man's power, nor be redefined by woman's reaction to man's power.

Therefore, give orphans their due possessions, and do not blur the lines between what is rightfully theirs but temporarily in your trust — thus substituting what is good with what is bad. This would be an enormous effrontery. And if you have reason to fear that you might not act with justice [through institutional channels] toward orphans, then marry from among [widowed] women such as are lawful to you — [a corresponding] second, third, or fourth; but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one [wife], or [from among] those who are in your protective care. This will make it more likely that you will not deviate from the right course.

And give to women their dowries in the spirit of a gift; but if they, of their own accord, give up to you any of it, then enjoy it with pleasure and good cheer.

And do not entrust to those who are weak of judgment the possessions that Allah has placed in your charge for [their] support; but let them have their sustenance therefrom, and clothe them, and speak to them in a kindly way. And test the orphans [in your charge] until they reach marriageable age; then, if you find them to be mature of mind, hand over to them their possessions; and do not consume them by wasteful spending, and in haste, before they grow up. And let him who is rich abstain entirely [from his ward's property]; and let him who is poor partake thereof in a fair



**manner. And when you hand over to them their possessions, let there be witnesses on their behalf — although none can take count as Allah does (4:2-6).**

The first *āyah* above is a pro-orphan *āyah*. It sits in for orphans and champions their rights. An orphan (*yatīm*) is an infant or child who has lost his father and hence became fatherless. He or she remains an orphan until he/she reaches the age of puberty. The *āyah* instructs guardian Muslims to give back to orphans what belongs to them once they reach the age of manhood or womanhood. Guardians are not permitted to mix their wealth with the wealth of orphans.

This particular Islamic definition of who is an orphan — a child being fatherless as opposed to being motherless — often gives those detractors of Islam (orientalists and their contemporary analogues, feminists and right-wing evangelicals) extra grist for the mill when they accuse Islam of being a “patriarchal” or “sexist” religion. And many Muslims also are caught on the defensive when confronted with this Islamic fact. The truth of the matter is that Islam is a well-balanced and integrated set of principles and associated behaviors that apportions rights to men and women according to their individual and social responsibilities. Islam regards the achievements of social justice and stability to be a cooperative, harmonious human effort. Cooperative and complementary efforts suggest a division of labor to handle the complexities of life, which cannot be easily and adequately discharged by individuals; and a division of labor leads to a discussion of prerogatives. The prerogative for the responsible male member of the household (father, husband) is to provide for the family insofar as food, clothing, housing, and finances are concerned.

This is not to suggest that the financial support of the children supersedes in importance their emotional support. On the whole, it could be argued that, when the two are compared to determine their relative importance, emotional and psychological support will far outweigh financial obligations, though both have much to do with each other. Even as a mother provides this emotional and psy-

chological socialization for the children, she must do so in consort with the rest of her community and the greater society around. Developing the necessary emotional stability and psychological depth is not a responsibility that father and mother can handle alone; in fact it takes an entire social system. But because of the pervasive and qualitative nature of this kind of support, it becomes very difficult to quantify; moreover, within the Islamic social system, women can neither be required to, nor forced to work in order to provide financial support for the family. And thus, it is permissible within the Islamic legal and moral code to spread emotional support of the children across extended family members and even neighbors; however the same law requires their financial support to be discharged by their father, and not by extended relatives, except in the case of orphans. Hence within the context of this moral and legal framework, the Islamic definition of an orphan being a fatherless child is applicable and consistent. And any suggestion of gender bias or preference is disingenuous.

It is said that this *āyah* 4:2 was revealed to set the affairs of a man from Ghaṭafān straight.<sup>14</sup> This man was wealthy; and he became his orphan-nephew's guardian. When the orphan reached the age of manhood he asked for his inherited possessions. But his uncle refused to hand them over. So the case was taken to the Prophet (ﷺ), and on that occasion this *āyah* was revealed,

**Thence, give to the orphans their possessions, and do not exchange what is wholesome for what is foul, and do not consume their possessions together with your own: this, verily is a direful discrimination (4:2).**

Upon hearing this *āyah* the uncle said, "We obey Allah (ﷻ) and we obey the Apostle (ﷺ). We seek Allah's (ﷻ) refuge from a dire discrimination."<sup>15</sup> And then he gave the orphan his due.

The *āyah* speaks to guardians who have both orphans and the possessions of orphans in their hands. The responsible guardians are taught to give the orphans in their care what rightfully belongs to them once they reach the age of young adulthood. The guardians

may not have any of the money that belongs to the orphans. Abiding by this principle demonstrates a measure of observing Allah's (ﷻ) power presence in man's social affairs.

Sometimes it is convenient to rationalize the assimilation of an orphan's money by claiming that the orphan is "part of the family." But the strict standards of justice in this Book of justice draw a line between the orphan and his guardian. Some of the orphan's possessions may be used — only and stringently for his/her upkeep and care; there is no countenance or excuse for appropriating an orphan's belongings under the pretext that he or she is a member of the guardian's family. In some instances from the nascent Islamic society around the Prophet (ﷺ), the expedient attitude of a guardian would want to exchange a robust ram belonging to the orphan for a morbid one belonging to the guardian. And the underlying rationale was that the guardian, in taking extra care of the orphan, would not find it unreasonable to balance the extra care with the difference in quality between his own livestock and that belonging to the orphan.

On the other hand, orphans should be in repossession of their holdings, properties, and wealth when they make the transition from childhood to adulthood. This is understood from the following, **"And verify the status of orphans [in your care] to see whether they have reached the age of marriage; then if you find them to be mature of mind, hand over to them their possessions..." (4:6).**

The technical mind would want to look for a specific age to determine when an orphan may claim his rights; and in all fairness there is not one fixed year in which an orphan automatically reaches the age of maturity, puberty, or marriage. In some extreme cases it may be as low as 13 years of age; in other extreme cases it may be as high as 25 years. The exact time an orphan or a young person reaches the age of pubescence varies and diverges from place to place, from time to time, from generation to generation, and from one socio-economic status to another.

Suffice it to say that this *āyah* makes it mandatory to give over to the orphans all that belongs to them once they reach the right

time in their life after adolescence. And any consumption of an orphan's possessions is strictly prohibited; except in extreme conditions. This is understood from the following *āyah*, “**And let him [the guardian] who is rich abstain entirely [from his orphan's wealth]; and let him who is poor partake thereof in a fair manner**” (4:6). No guardian is permitted to exchange his low quality land for an orphan's higher quality estate. This applies across the board to livestock, produce, currencies, and any other possessions.

The social reality of the world is that those who are in a position of “power” will try their best to expropriate possessions of others who are in a position of weakness. There may be fancy laws in the books that bar such conduct; but if there is no conscience in the bosom then man becomes victor and man becomes victim. This is what is meant by *taqwá* — the internal government that dwells in the conscience of man, is fixed in his heart, and is ever-present in his mind. Even “Islamic laws” are meaningless if there is no *taqwá* to back those laws up. And the clearest demonstration of this fact is the application in Saudi Arabia of Islamic laws that are void of any *taqwá*. All the laws in the world, and all the laws that come from God, and all the laws that are in scripture are without efficacy when there is no *taqwá* in the hearts of men. And *taqwá* does not refer to some type of helium piety or superficial spirituality. *Taqwá* is the affirmation of Allah's (ﷻ) power presence in the thoughts and feelings of humans in such a way that it shapes their responses to social reality. Once this *taqwá* becomes a common and shared public attitude, then and only then will we appreciate the laws and directives that Allah (ﷻ) gives us to govern ourselves with justice and to rid ourselves of injustice.

Orphans are just one example of how Allah (ﷻ) champions the rights of the underclasses. Orphans do not figure into the social theories of secular civilization. In the majority of cases, they are left to the predatory instincts of the upper classes of society. The concept pertaining to the rights of the orphan is particularly important in the Qur'anic and Islamic ideology, though it has parallel applicability in the matter of women, the oppressed, the dispossessed, people of no means, and the homeless.

From the available historical information contained in Judeo-Christian sources and scriptures, it appears that Jewish literature gives more scriptural attention to orphans than its Christian counterpart, but neither one of them comes close to the care the Qur'an expresses. Managing the welfare of orphans was considered among the Hebrews a primary act of charity, God being termed "the father of orphans" (Psalms, 68:5), and special provision was made for their support (Deuteronomy, 14:29; 24:19–21). Rabbinical law insisted not only on providing support for orphans but went further, giving them special privileges; thus, even if wealthy, orphans were exempt from taxation for charitable purposes. In the European Middle Ages, the number of Jewish orphans was disproportionately high, owing to their large families and the recurrent devastation caused by Christian massacres. Most larger communities had special charitable organizations for their care, known by such names as *Giddul Yetomim* (Hebrew for *bringing up the orphan*). Generally, these organizations would place orphans into the homes of relatives or charitable strangers, or they would qualify and then pay foster-parents to bring up orphans. Special attention was given to their education as it is known that the Talmud Torah societies primarily busied themselves with the fatherless.

### Multiple Marriage as a Social Panacea for Orphans

In a world void of *taqwá*, *īmān*, and Islam, orphans become prisoners of charity. Orphans in such a world may enjoy peace and freedom — but without love and compassion. This leads to the following sensitive *āyah*,

**And if you have reason to fear that you might not act equitably toward orphans, then marry from among [widowed] women such as are lawful to you — [a corresponding] second, third, or fourth; but if you have reason to fear that you might not be able to treat them [the correlating wives] with equal fairness, then [only] one [wife], or [from among] those who are in your pro-**

tective care. This will make it more likely that you will not deviate from the right course.

**And give to women their dowers in the spirit of a gift; but if they, of their own accord, give up to you any of it, then enjoy it with pleasure and good cheer (4:3–4).**

This *āyah* opens up one of the most “controversial” subjects in this uncontroversial Writ: the dual issue of “multiple marriages” or “divided love” and the questionable “right-hand possession” cliché. The subject has become so intertwined with emotionalism and social imbalance that navigating through it with a straight mind may not be an easy task. Therefore, the explanation here will proceed cautiously, but for anyone to begin to make sense out of it, he must agree to set aside his stereotypes, prejudice, and social conditioning, and approach these godly words with an open mind and a clean heart.

The first thing to do is to give some undivided attention to the words and sentences of the *āyah*. Allah (ﷻ) says,

**And if you [the socially committed Muslims] have reason to fear that you might not act equitably toward orphans, then marry from among [widowed] women such as are lawful to you — [a corresponding] second, third, or fourth... (4:3).**

To begin with, this sentence is more concerned with orphans than with *polygyny* (the practice of multiple wives with one husband). In fact, the *āyah* makes it clear that having parallel wives is conditional upon an issue of social justice, not on the “sex drive” of men. To put it another way, if the social cohesion of society has deteriorated to a point where the emotional and physical needs of orphans cannot be satisfied, then men of means are permitted to marry the mothers of these orphans so that the new family atmosphere will offer the fatherless children tender loving care as well as food and shelter.

There are at least two embedded concepts here. The first is that society may have an option, in orphanages, of caring for chil-

dren without parents. But in all likelihood these orphanages or nurseries are not going to be able to nurture these young children with the passion and love that can only come from a motherly and fatherly attachment within a family setting and household atmosphere. The second is that orphans, who at some point in their young lives are not tied to families, are a priority in an Islamic and faith-based society. Because their plight is such an important consideration and because only a family surrounding can compensate for the psychological damage associated with the loss of parents, the corrective option is to have their mothers wed so that psychological justice can be done to these orphans. Lastly, a society could degenerate to such a point of social weakness that family ties in extended family relationships are in no position to sustain their orphans in a caring and compassionate family environment where normal psychological and social development as well as financial self-sufficiency are achievable.

A woman's position here is not an easy one. She finds herself caught between the priority of attending to her orphan children's needs as a mother on the one hand, and sharing the love of another man on the other. And without being selfish, distraught, or emotional about this affair, the words of Allah (ﷻ) have carefully taken these factors into consideration. Mature Muslim men and women are supposed to be able to handle the loss of a spouse in a way that children, who do not have the psychological strength or emotional depth, cannot handle the loss of a parent. Similarly, they can emotionally detach themselves from previous relationships and build new ones while a child finds it difficult to let go and "give himself" to a new parent. And, therefore, the ruling favors the orphans and their well-being. Hence qualifying men in that society are given a license to marry the widowed mothers to do justice to the fatherless daughters and sons. And so this divine sentence ought to be viewed in this context,

**And if you [as a society] fear that you might not be able to offer equity to orphans [in society], then you as [capable] men may marry from among [widowed]**

**women those who are legitimate to you as a duplicate second, third, or fourth [wife]... (4:3).**

Compare this fine meaning with all the rumors and innuendo that have plagued the image of Islam, the Qur'an, and the Prophet (ﷺ). One source of allegations against the Qur'an comes from Judeo-Christian channels. The authors of such indictments against Muslims hold to a very theoretical and sometimes hypocritical concept of monogamy. They argue for the marriage of one man to one woman, saying this is the biblical way. Their argument is that the story of creation tells of the first marriage in clearly monogamous terms, "...a man leaves his father and his mother and cleaves to his wife" (Genesis, 2:24). The love of one man for one woman is also celebrated in the Song of Solomon. The Ten Commandments warn against looking beyond one's own marriage toward others, "You shall not covet your neighbor's wife" (Exodus, 20:17). Leviticus states that if a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall be put to death (Leviticus, 20:10). The man who serves as priest must be married to only one woman, a woman who is a virgin at the time of her marriage (Leviticus, 21:13). The Bible speaks of the good wife who manages her household well, "She is far more precious than jewels; the heart of her husband trusts in her... strength and dignity are her clothing, and she laughs at the time to come" (Proverbs, 31:10–31).

Many of the marriages in the New Testament seem to be of one man and one woman: Mary (ﷺ) and Joseph, Elizabeth and Zechariah (ﷺ), Priscilla and Aquila.<sup>16</sup> A bishop is to be above reproach, the husband of one wife (1 Timothy, 3:2). A deacon also must be the husband of only one wife (1 Timothy, 3:12).

The Bible also speaks of situations in which a man had more than one wife or had a wife plus concubines. One reference, in the times of the Children of Israel, pertains to the dangers of the semi-nomadic way of life resulting in there being too few men for each woman to have a husband. Thus the wealthier men would take on additional wives. In this benign polygamy, these multiple marriages gave men the chance to have more children to love and be loved



by. The children, the rationale goes, could by their labors further increase the family's well-being. Children were considered a gift of the Lord (Psalms, 127:3).

The Book of Genesis recounts how Jacob (雅各) worked seven years to gain Rachel as his wife because he loved her, only to find that he had been tricked into marrying her older sister Leah. He then worked another seven years to win his beloved Rachel, and thus had two wives (Genesis, 29:9–28). David (大卫), after he had reigned over Judah for seven years, captured the city of Jerusalem from the Jebusites and began to reign over all Israel. At that time, according to the Book of Samuel, David added to his household more concubines and wives from the city of Jerusalem (2 Samuel, 5:13). The Book of Kings states that Solomon had 700 wives and 300 concubines (1 Kings, 11:3). Rehoboam had 18 wives and 60 concubines (2 Chronicles, 11:21).<sup>17</sup>

But then all these details are excluded from the Judeo-Christian discussion of marriage; and despite evidence to the contrary, they stick to their assertion that the practice of keeping more than one wife was never advocated by biblical writers. Through the Prophet Malachi the Lord says, "...let none be faithless to the wife of his youth" (Malachi, 2:15).

The whole campaign against polygamy comes from Judeo-Christian roots that practiced polygamy, albeit not as a rule. While not recommending the practice, the Bible nonetheless comes from a social ambiance that was polygamous. Even though there is no specific proscription against polygamy, it appears the Bible prefers monogamous marriages. For instance, the household of Isaac (以撒), regarded as a model in later Jewish tradition, was monogamous. Polygamy became an accepted practice in the luxurious courts of the first Jewish kings — the number of Solomon's concubines is recorded — but the ideal picture of the housewife, as described in the Book of Proverbs, seems to point to a monogamous household (Proverbs, 31:10–31). The society reflected in the Talmud is said to be essentially monogamous, with only a handful of citations about rabbis wedding more than one wife. This ideal governed Jewish life thereafter. The *takkanah* of Rabbeinu Gershom forbidding polygamy

(circa 1000CE) thus gave formal sanction among Ashkenazi Jews to what was already generally accepted.<sup>18</sup> Among the Spanish and Oriental Jews, on the other hand, polygamy continued to be legal, though by no means general. In Italy, down to the 17th century, a person whose wife was barren was occasionally permitted by papal licence to take a second wife. With the Europeanization of many oriental communities in recent generations, polygamy has become increasingly rare. In occupied Palestine, where secular Jews and “religious” Jews have fudged together an “Israel,” monogamy is enforced by law, though existing polygamous marriages are recognized.

In all of this talk about multiple wives there is not one word in the Judeo-Christian context that locates the practice of polygamy within the social purpose of caring for and fostering orphans. Unfortunately, sometimes the Muslims themselves are the worst example of what Islam is all about. There is a general sense among learned and not-so-learned Muslims that marriage to a second, a third, or a fourth wife has nothing to do with orphans. Leaving all caution and obvious Qur’anic conditional directives to the wind, they say that a man, if he so desires, may marry no more than four wives if that is what he *wants* to do. And armed with this license, there are “Muslim” princes and kings scouring the night spots looking for virgins to become their wives, on their terms, with no consideration of social values. The only consideration crossing their thoughts is to satisfy their intractable lower instinct. It is already an uphill battle for the Muslims who are trying their best to socialize the behaviors described in the Qur’an and the meanings of Islam, but to have to tolerate these Freudian Muslims, who give Islam and the Qur’an a bad name by their “junking” of the social contents and moral purposes of this *āyah*, makes the climb all the more tough.

The issue of orphans is no small issue. According to the United Nations’ definition, an orphan is one under age 15 who has lost either his mother or both parents. This writer feels that the number of orphans would be greater if the definition of orphans was children under 15 years of age who have lost either their father or both parents. Wars and social upheavals render more orphans without

fathers than orphans without mothers. Regardless, according to UN figures, there are more than 14 million children who have lost one or both parents only to the AIDS pandemic. In some areas of Africa, one out of every three children is an orphan. For the year 2001, UN figures indicate there are more than 108 million orphans in the world; there are 34 million orphans in Africa alone. Many of these orphans are discriminated against, exploited, or abused. Some end up living on the street, surviving by picking pockets, theft, begging, and prostitution. Most orphans do not have access to simple medicines such as aspirin or first-aid ointments.<sup>19</sup>

The problem is mind-boggling. And because it is acute enough to scream out for equity from the greater society around, these words from Allah (ﷻ) should be understood within their social context and not within the context of an undisciplined and insatiable male sex drive. This should be the case even though societies of culture and tradition that claim to be Islamic have distorted this issue by devoting disproportionate attention to the male sex drive.

Adoption may be one solution that comes to mind. And societies have attempted to use adoption to alleviate the poignant emotional scars carried by orphans. Adoption is a legal procedure in which a civil court gives parental rights and duties over a minor to someone or some couple other than the natural (biological) parents. On adoption, the minor becomes the legal child of his or her adoptive parents, and the same as their natural children. Natural parents lose all rights in the child and in his or her property. This is a way of imposing the material well-being of a child on his psychological well-being. In some cases, a legal system may give more rights to adoptive couples because they have more money, and take away all rights from the natural parents because they have less money. This is an obvious interference with the family structure that should be maintained and rehabilitated as far as is humanly possible. No orphan should be completely divorced from his natural parents as this act is most damaging to the psychology of such a child.

If the fact that a symmetric second, third, or fourth wife is founded on the social principle of dispensing proper treatment to orphans is not lost in the minutiae, then the social license for a man

to marry multiple widows can be more easily appreciated. And even when all attention is on taking in orphans with due care to their self respect, a man finds himself caught between fulfilling equity to orphans on the one hand and fulfilling justice to another wife on the other. Anticipating that for many, this might be a risky or troubling situation to manage properly, Allah (ﷻ) says, **“...but if you have reason to fear that you might not be able to treat them [the wives] with equal fairness, then [have only] one [wife]...”** This is a way of saying that the equity required for orphans should not be achieved by damaging the pillar of the family itself — which is the wife. And if a conflict arises between a man trying to satisfy the needs of his first wife as well as those of a widowed wife because he cannot be equitable to both, then he is constrained to only one wife.

Nonetheless, when societal conditions necessitate polygamous marriages, then such a solution is only open to those husbands who can be fair to their wives. This fairness requires a husband to be as balanced in his behavior with one wife as he is with the other. He has to spend of his money on one as he does on the other, he has to allocate as much time for one as he allocates for the other, and he has to be physically responsive to the sexual needs of each one with equal reciprocity. Maintaining this level of egalitarianism is not easy. That is why in another *āyah* Allah (ﷻ) provides further information saying,

**You [men] will not be able to apportion justice among women — even if you are most serious about it — and [if that is the case] do not “swing like a pendulum” and make her [the wife] feel like she is in a marital cessation (4:129).**

Some individuals quickly look at this one *āyah* and then draw a fast conclusion saying that polygamy is impossible, or that polygamy is unlawful. This is what happens when one *āyah* is taken out of context. The holistic view though is that polygamy is permissible as a social construct to make available a family atmosphere for the care and love of orphans. And to that end, widowed mothers are poten-

tial wives for husbands who qualify. But the caveat is that when a husband ventures into this area he should be advised that it will be extremely demanding to combine two equal wives in an atmosphere of financial, social, and family fairness.

The husband's psychological inclination to one more than the other remains an area that a man has no control over. A man can only do so much; and even if he struggles and stretches himself to be as forthcoming as is humanly possible in every aspect toward all his wives, there may still be a latent visceral attraction for one more than the other(s). But as long as he serves them equally in every other regard, then he has fulfilled his duty and responsibility. It is in this area of emotions and feelings, where a man cannot exercise dispassionate evenhandedness, that the Prophet (ﷺ) said, "O Allah! This portion I give [to my wives] of what I am in control of; do not take me to task for what is in Your control and not in mine."<sup>20</sup>

Here is where the issue enters into a wife's psychology; and the question becomes why are there some women who can tolerate this "chemistry" and others who cannot tolerate being co-wives? And in the husband's psychology, why are there some men more apt to venture into this indeterminate equation of comparable wives and yet others are incapable? In this area, human nature cannot provide a fast, easy, and final answer.

The last important subtle distinction in the *āyah* has to do with two words that are many times lumped together in an unrefined way. These two are *tuqṣiṭū* (be equitable) and *ta'dilū* (be fair or just). *Tuqṣiṭū* is used to refer to a social condition of equity toward orphans. In other words orphans need an institution of equity that will more or less provide them with the emotional and physical security they need while growing up. *Ta'dilū*, however, is used to refer to a condition of balance between husband and wife that will make it conducive for both to be as compatible as possible with each other. This cannot be done through a social or governmental policy as it is strictly a matter of the psychological rapport between husband and wife. Their feelings run so deep that there is no formal or legal setup that will, as a matter of procedure, untangle their emotional ups and downs.

An Islamic society is so morally connected that it does not permit unattended children, abandoned minors, or breakaway juveniles to wander around in society aimlessly, hopelessly, and dangerously. In non-Islamic societies, it is not out of the ordinary to find children whose homes are the streets and whose food is whatever they can beg or pilfer. Their maimed bodies make them outcasts and their jaded psychology renders them outlanders even among the beggars in the street. In some lands they are scorched by the hot, blazing Sun and in other countries they are drenched by the endless monsoons. Struggling each day to survive, they live, and often die, in the streets — unwanted and unattended. This is the lot of runaways, abandoned children, and orphans in many countries around the world, even “advanced” ones.

Orphans on the run, handicapped children deserted by their parents, and unwanted babies forsaken by their mothers and fathers are a worldwide phenomenon. The causes and family situations vary, but the results are the same: children on the streets, in the fields, and beyond a caring eye; and children scrounging for a living, growing up without an education, and generally ending up in crime or violence. Stories of broken-hearted children, broken-spirited youth, and broken-home infants are never-ending, from those found in the gutters to those who ran away from home after their parents had died, leaving them with no one in the world. More than food and clothing, these children feel a desperate need to be wanted and this is the greatest benefit anyone could offer them: a heart, warm feelings, and a smile that comes from being in a family, belonging to a family, and growing up with all the love and affection that comes from within a family. This is the only solution to the problem of orphans.

### **Right-Hand Possessions: Age-old Canard of Detractors of Islam**

Much gender upheaval, no doubt stirred up by those who hate Islam, has been attached to the concluding part of this *āyah*, “...or [marry from among] those who are in your protective care.” If orphans, who are still children, are provided for in a family

ambiance, then what about the post-orphan young ladies who can no longer be included in the nurturing air of a family, or who are too old to be considered orphans? And so how will society provide for these young women who have no family to look after them? As hypothetically appealing as it is to say that they should be “institutionalized,” the hard facts on the ground and in the real world indicate that this method will not thoroughly and satisfactorily serve their future aspirations and higher purposes in life. And they cannot be left to the forces of the market where they will drift into prostitution and other forms of social bondage.

But this phrase *protective care* has to be cleansed of those denigratory connotations that have strangled it for a long time. Some narrators and interpreters of the meanings of the Qur'an would have the reader believe that the phrase *wa mā malakat aymānukum* implies or stands for the word *concubines*. And this is yet another frontal assault on Islam in which an alien and unpleasant concept is superimposed on an innocent and family-friendly option in this sensitive Qur'an. The word *concubine* refers generally to a woman who cohabits with a man, with the pejorative connotation that the cohabitation is irregular, and that the relationship is one of man and mistress rather than husband and wife. It is, therefore, a term that presupposes as normative a society based on a monogamous concept of marriage. Obviously, it carries no derogatory meaning in a society in which sex is without rules and responsibilities.

After detailing the serial Judeo-Christian trivialization and corruption of scripture in the explanation of *Sūrah al-Baqarah* and *Āl 'Imrān*, it should come as no surprise that responsible sex and a covenant marriage is, from time to time, slighted in what is left of the Bible today. There are instances from this Bible to indicate that marriage concepts existed for which there are hardly any parallels to what we understand the institution to imply today. Samson was “married” to a Philistine woman whom he only visited on occasion and who eventually became the wife of someone else (Judges, 14).<sup>21</sup> Was such a woman his wife or concubine? When, as it goes in the Judeo-Christian reading of scripture, Abraham's (ﷺ) wife Sarah, who was sterile, gave her husband the handmaid Hagar, that she

might bear children by surrogate, it was as “wife,” not “concubine” (Genesis, 16:1–4). And so it was with Rachel and Leah, the two wives of Jacob (雅各): their maids Bilhah and Zilpah were also his “wives” (Genesis, 30:1–24).

What, then, in this way of understanding the Bible, was the concubine as distinguished from the wife or wives, even as the much-married Solomon is said to have had 700 wives — “princesses” — and 300 concubines (1 Kings, 11:3)? Judging from the following verses — Genesis, 35:22 (where Bilhah is called a concubine); Genesis, 22–24; Judges, 19; 2 Samuel, 5:13; and similar passages — the distinction had to do simply with fiscal legalities. The “wife,” or her family, was the social equal of her husband. Not only would a dowry be provided for her, there would also be a corresponding bridal gift (*mohar* — Hebrew for “purchase price” of a wife) paid by the groom, which in some instances might have entailed an international alliance if not simply the alliance of two important families.

In this selfish view of marriage, as opposed to a social construct for the proliferation of family life, a concubine was simply one more wife in a polygamous marriage. She may, indeed, have been, among others, favored by her husband in a love-match that he did not reserve for his “official” wives. There is no information on the particular issue, and the legalisms of the Bible offer no conclusive word on the subject. However, it can be said that this sad state of understanding family ties, and particularly husband-and-wife relationships, has taken its toll on the Judeo-Christian interpretation of history and prophetic figures.

With all the talk and fuss about a monogamous family as the norm in Euro-American societies the facts on the ground are quite different. To be sure, there are monogamous marriages. But along with that, well known are the monogamous couples who cheat on themselves. And in these numerous cases, is it better for the husband to have a relationship with another woman secretly, illicitly, and hypocritically, as he betrays the solemn pledge of fidelity to his wife? Or is it better for him to make known that he will join another wife in matrimony with clean intentions and more importantly,



as a matter of social responsibility, fulfill the meanings of these heavenly sentences in building a family for minor orphans by marrying their mothers, or for grown-up orphans by marrying those who are in society's protective care?

Away from this Judeo-Christian confusion and misdirection, part of the Qur'anic transformation to an orderly and compassionate society requires able and willing men to feel responsible for mature teenage ladies who, for whatever reason, are not bonded to a family. This responsibility should move them to feel a social duty that would motion a couple into a family relationship. This, of course, is beside the attraction and love that should be built into a husband and wife relationship.

It is against the grain of everything Islamic to foster the presence and ongoing degradation of underclass children. Above that, it is a violation to look away as these children roam through society without personal care, family love, and parental guidance, causing them to end up as purveyors of moral decay inside the "social family" and, in some cases, as agents of violence and hard-core criminality. In today's fanatically secular world, social scientists, opinionated spokespersons, and even some religious figures want the rest of us to think they have the solutions to these human problems and Allah's (ﷻ) solution is no longer relevant.

Sometimes, we enlightened Muslims, take things for granted. We know what our aptitudes, potentials, and proscriptions are. We know that the rule of thumb is that a husband and wife are meant for each other. We know that justice is difficult when a man marries more than one wife. And we know it will take an extra effort by the husband and an extra sacrifice by the wives to make such a marriage work. We also know that beside its family function, marriage serves a social function. But we know all this because we have been enlightened by the informative Book. The real world is more than our knowledge of what is right, healthy, and recommendable. There are societies in this world, both ancient and modern, in which men have been and are married to numerous wives.

At the time of Muhammad (ﷺ) a man came up to him and said, "I have yielded to Allah and I have eight wives." Muhammad

(ﷺ) said, “Choose instead four of them.”<sup>22</sup> Another man — and this shows how prevalent such marriages were — became a Muslim while married to 10 wives; and the Prophet (ﷺ) told him, “Choose from among them four.”<sup>23</sup> Yet another man accepted Islam while being married to five wives; and Allah’s Apostle (ﷺ) counseled him, “See fit four of them, whichever four you want, and part with the fifth.”<sup>24</sup>

This sampling shows that when these breaking words from Allah (ﷻ) came to discipline and socialize a family structure, there were men who were married to multiple wives. There was no legal limit to how many women a man could marry. But then Allah (ﷻ), who created male and female, passion and urge, human nature and its vulnerabilities, came to say that a man has to place a ceiling on the number of wives he is able to marry in good will and with a sense of fairness and impartiality. A man who yields to Allah (ﷻ) now knows as a result of reading and understanding these instructions from on high that the cut-off point is four wives. And even with this restriction justice will remain illusive. Thus if his conviction is that he cannot be just among them, he should confine himself to one wife.

Contrary to all the bad press about Islam on this matter, it is the Qur’an that came to shrink the number of wives and to hinder the gratification of a carnal lust in men by allowing multiple wives. This affair is not centered on the sexual drive of a man; polygamy is defined by the criteria of determining rights and assigning rewards or punishment as may be the consequence of justice in such settings.

Even after saying all this, there still remain areas of scant information that, if illuminated a little bit, could show how practical and unflawed these *āyāt* are for our human condition. The first area, of which there is limited concrete knowledge, concerns the relative percentage of men and women in certain countries, cultures, regions, and societies. The available, but rather limited, information seems to unanimously concur that women outnumber men in almost all populations. However, even as international research agencies try to tabulate the exact or consummate figures, the fact that the population ratio favors women is both a historical and contemporary reality. Societies, from time to time, suffer from

a loss of men simply because of the high attrition rate in wars. The lingering problem during and after wars is that there are orphans, widows, and broken families.

How is society supposed to offer these indirect victims of wars a “radical solution” to their “acute problem?” Of a certainty, liberal license cannot be given to the sexual instinct, allowing the forces of the body to take their course; a sexual *laissez-faire* is not going to solve such problems. To get a sense of the problem that is generated by wars and hangs around in post-war smoldering societies, consider the following facts. In Bosnia-Herzegovina as well as in Chechnya there must be at least a million families that have been injured, damaged, and shattered because of the genocidal warfare against them. In 1994, 800,000 Rwandans were massacred in a six-week period. There have been at least 125 wars worldwide since the end of the Cold War in late-1989. Over 15,000 people are killed or injured by landmines and unexploded ordnance each year.

It is these facts on the ground that require our attention, and not some misguided theories about gender parity that have no basis in human experience and that have made no contribution to rectifying the problem of class stratification. Are we to believe that these problems will solve themselves if we just leave them to the forces of the market? Nonsense. Leaving them to the forces of the market, which are controlled and driven by greed, will only exacerbate an already troublesome condition. There are three solutions to these broken families and injured societies,

1. one man, one wife – in this case the extra women in society will have no men; and these additional women in society will be condemned to live a life without a man, a husband, a supporter, a breadwinner, and a soul mate.
2. one man marries one wife, but then he has extramarital sexual affairs with tens if not hundreds of other women outside of his “legitimate marriage” – in this case the accessorial or additional women in society familiarize themselves with men as their seducers, lovers, or paramours.
3. one man marries up to four wives – in this case a man marries his wife in a moral and legal way; and if he is able to and with

the consent of his wife, he then marries a second, third, or fourth wife for the purpose of caring for orphans, fulfilling the lives of widows, and offering the women in protective care a full-fledged family life.

The yearning of man for woman and woman for man is so strong that no celibacy, prostitution, or “semi-marriages” are going to substitute for an open, clean, and faithful linkage of couples who need themselves for social cohesion as much as they need each other for personal fulfillment. There is also another aspect to this reciprocal relationship between husband and wife: the fertility period in women ends at about age 50, while a man’s fertility period continues until maybe around age 70 or 80. If the human nature in man continues to provide for reproduction longer than a woman, then it would only make sense on an individual and case by case basis to give the man the option to espouse with another woman if the conditions for justice are met; and without alienating, disregarding, or degrading the first wife in the marriage.

A third contributing factor for seeking another spouse is when a wife is incapable of reproduction. And, likewise, if it turns out that the man is infertile, then the wife may seek a marriage annulment and marry another man. The difference is that a man may marry multiple wives at the same time, while a woman may not marry two men at the same time. And the issue takes these two separate courses because of the biological reproductive differences between male and female.

If the *āyah* below is read in this context and considering the general practice in the Muslim world,

**...so marry from among [widowed] women such as are lawful to you, [a symmetric] second, third, or fourth; but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one [wife], or [from among] those who are in your protective care (4:3),**

then no principled researcher who is acquainted with Muslims could ever suggest that polygamy is the norm in Islamic societies. It is the exception. And it is a license granted to men for the purpose of alleviating other social problems that have been and will remain permanent features of human societies. These *āyāt* are not some kind of a Viagra pill for men to go out and have wives galore. If there are some Muslims who brandish these *āyāt* to justify their animal lusts, these types of Muslims speak only for themselves as they expose their unbecoming conduct for everyone to see.

### **Dispossessed Women Need a Safety-Net, Not Sex for Hire**

The whole world is in a pre-disintegration stage because the family is no longer its building block. By assaulting the family from all conceivable directions, and by promoting every idea and behavior that bleeds a family into destruction, secular governments and legislatures have opened the flood-gates for a social meltdown. Pornography is one way of disparaging family ties. How can any decent man or widowed woman even think about orphans when they are constantly titillated by obscene literature, pictures, photos, or films, considered to be of no artistic merit and intended only to arouse sexual desire? In this ambiance, how can the newly married man and woman concentrate on a family life that will shield and shelter orphans in need of their mother and a “stepfather” who may be the best substitute for the lost father?

Generations ago when scripture still had a hold on peoples' behaviors and inclinations, immoral and furtive activities intending to stimulate sexual desire were widely considered to be a demeaning representation of sexuality and the body. With the extended encroachment of this incessant and imposed sexual stimulation, the conscienceless capitalists, who invented these schemes to begin with, edged their program forward by distinguishing between “soft” and “illegal hard-core” pornography. In the USA, pornography is a major industry — bigger, for example, than the film and record industries combined.

To further complicate things, some Scandinavian, European, American, and Southeast Asian countries have obscenity laws that not only ignore but actually make allowances for the humiliating, cruel, demeaning, and exploitative presentation and practice of sex. Courts in different countries, as they adjudicate laws of this nature, vary in their tolerance of assaulting the most intimate and sanctified feelings between husband and wife. But the standards in secular societies of what is obscene and whether a particular work has artistic value are subjective, hence there is often no real social or governmental intention to eliminate such material from public circulation. There is also evidence to suggest that pornographic material, which shows women “enjoying” rape, degradation, or other forms of sexual violence, is harmful as it incites men to become sexually violent against women and children. However, difficulties of definition, changing social attitudes complicated by First Amendment “rights” to free speech, and the claim that such representations are impossible to distinguish from art have allowed the secular lords of our times to peddle pornography, leading to numerous problems of control and law enforcement.<sup>25</sup>

To add crime to sin, sex therapists, as they are now euphemistically characterized, sometimes advise one or both partners to be highly aroused when beginning a sexual encounter. To achieve this, couples in therapy may be pointed toward reading pornographic stories, looking at pornographic pictures, or watching pornographic videos. Such material, in the long absence of behavior conditioned by scripture, is usually called *sexually explicit* or *erotic*. In the ever progressing movement toward total moral failure the media watchdogs realize that the word *pornography* is too strong for “conservatives,” “the orthodox,” and the moral types; it is too pejorative and so they take shelter in a nonjudgmental word. To these “therapists,” an erotic story or picture is neither filthy nor damaging; it is simply an aid to arousal.

This casual attitude toward pornography in a world controlled by image makers and media moguls can put sex therapists at odds with certain politicians and religious leaders. If this drift away from family love takes its course into traditional societies where it has

been difficult for clients to buy pornography, though this is changing with universal internet access, a system of “prescription porn” may be devised to deal with this “problem.” While it is propitious for the instigators of pornographic material to be society’s most contemptible individuals, who want to turn around and override Allah’s (ﷻ) *āyāt*, there is little restraint — moral, political, legal, or social — on their mind-numbing and sex-cheapening activities. Some of their films involve forced performances, genuine cruelty in rough sex sequences, and worst of all, the exploitation of children as participants in sex scenes.

Of course, these promiscuous presentations cannot be thrust upon morally conservative parts of the world. No, indeed what is required here is a slow and incremental move in this direction. That was the way it all began in a God-denying Europe. And now the rest of the world, including the “stubborn” Muslims, have to follow suit. No one should be brought to the “standards” of Europe in irons and chains. They must be resocialized to *want* it for themselves. To accomplish this, oppressive governments in a proxy relationship with their Western secular fundamentalist handlers will deprive their young men of work opportunities, thereby limiting their ability to start families with willing young women. And at the same time, these same governments under pressure from advocates for liberal “values” who seek to “open up” conservative religious societies, will allow the proliferation of pornographic imagery from the black market to the video store. This will enable the young men with a lot of free time on their hands — because they have no jobs, because they are caged, having no access to opportunities in other societies, and because they thereby have no access to women — to vicariously satisfy their biological sexual appetites, without in a dignified way accepting the responsibility that comes with sexual discipline in a loving relationship with a woman who is a wife, and not just a virtual sex apparition.

On the scale of major issues for society to address, has the right to publish overly sexualized “art” displaced the rights of orphans? In a declining materialistic secular society sex becomes the centerpiece of family life; if there is no sex life, then there is no

family life. No amount of secular reaction is going to fix this broken culture; it is going to take an Islamic effort to do the job.

It is worth reiterating that the Islamic arrangement of social affairs did not usher in the concept of polygamy; it simply chastened, disciplined, and prompted polygamy to serve a social and higher objective. No *āyāt* or hadiths make it compulsory for men to marry more than one wife; they simply countenance or tolerate it. And all of this is done in a divinely supervised human attempt to solve chronic social crises such as the issue of orphans.

When it all comes down to “individualistic” thinking and queries it becomes a matter of who has the final word: an orphan whose spirit is broken without a family; a wife whose heart is broken by sharing a husband, or a husband whose will is broken by trying to heal this whole process. And within these dynamics, mitigating the dispossession of orphans is the primary concern, more so than the feelings of a mother in a polygamous marriage or the distributed affections of a husband trying to manage one. Beyond that, if there is a serious concern that justice will not be served by joining two wives together, then a man has to adhere to one and only one wife.

**“...or of those [women] who are under your protective care.”** This would include all women who are the social equivalents of orphans, that is, they are exposed to a social dislocation. One of the problems concerning these types of women is that there is not enough information about them. How many are there? And what is their psychological profile? Who is potentially in this category of female society? One way of looking at it is that underprivileged women in an Islamic society are “in protective care.” This means they are not socially disavowed and left on their own to fight or compromise themselves for a living.

Judeo-Christian scripture, in the form it exists today, routinely demeans these women, “...for the price of a prostitute is only a loaf of bread” (Proverbs, 6:26).<sup>26</sup> This is another way of saying that individuals in society, usually the women, will offer their sexuality in exchange for economic and social dependence on their customers. This bartering of female sex for male money is not strictly peculiar



to prostitutes. But this appears to be the accepted norm in ruggedly individualistic Western societies where crass self-gratification is fueled by the exploitable. Even hyped-up ethnicism and jingoistic nationalism are not enough to care for the women of a people's own race and ethnic stock.

The ill-considered idealistic notions of marriage in the Euro-American West have been catastrophic to both societal stability and family life. The much acclaimed one husband for one wife definition of marriage in society has forced many women into prostitution. In this "profession" women receive money for sexual acts. Secular society's attitude toward prostitution varies according to place and period. In some countries, permissiveness is combined with licensing of brothels and "health checks" of the prostitutes. In the US, laws vary from state to state; Nevada is the only state to have legalized, and thereby taxed and regulated, prostitution in eight of its 16 counties.<sup>27</sup> Where it remains illegal, it is often associated with drugs, street crime, and exploitation of children; many communities expend large resources in an effort to control it.

The existence of prostitution itself is a refutation of the impractical across-the-board generalization that one husband can only have one wife. Prostitution is not supposed to be discussed in the context of family life because it will eventually expose the shortsightedness of the fanatically monogamous and it will pose the most serious question of all: how are societies to be cleansed of such vice if they do not think of remedying social problems via overt and legitimate multiple marriages — if and when they are based on equity and justice? Prostitution is also another way society indicates that women cannot remain without men in their lives. So the choice left to these women who are not attached to families is to either bind with men in a relationship of fealty and constancy or bind with men in a temporary and flirtatious act of self-gratification for hire.

The distinguishing feature of an Islamic society is the strength of its moral nexus and ethical glue, which socializes personal concern and sympathy into an institution of protective care that shields such women from selling their bodies to survive, to make a living, or to bring bread home to the kids. The Christian Church

did not and could not effectively deal with prostitution. At times, it seemed like the Church would tolerate this type of activity as a social necessity. At other times in the jurisdictions of the Church prostitution was “contained” by institutionalizing brothels or enforcing policies of repression, probably best observed during the time of the European Reformation. The inability of a “moral” society to offer women dignity and a livelihood free of harlotry forces these women to behave outside the norms of such established society. The institutionalization of brothels in many cases excluded males from being arrested for adultery. It also served to shield the prostitutes themselves from male violence and extortion. The Christian “morality” found itself in a dilemma as it could see that while adultery was a sin, prostitution was a necessity. Church charity has been proven to be inadequate and unqualified to raise such women’s social and economic status. So a bandage solution was attempted: put underclass women in such places as convents, orphanages, or hospitals so that they may be able to reemerge as marriageable women in mainstream society. This is as close as the Judeo-Christian world has come to the protective care institution that should exist in all Islamic societies.

In the secular and God-denying world that looks down on orphans and oppressed women there is a thriving industry based on this sorrowful and painful state of affairs. In the not too distant past, Europe may have tried to deal with this issue before it got out of hand. In the 17th and 18th centuries, some European societies attempted to establish what are called “Magdalen” homes and asylums that would try to offer assistance, correction, protection, and rehabilitation. But the 19th century took a turn for the worse. Marriage in the emerging secular Europe was more and more defined by money and status. The flip-side of this was that poverty and prostitution were doomed to go hand in hand. The 19th century was the century in which the lines were drawn and prostitution came to be controlled or even manipulated by the police and the power of the state. Some laws that were motioned into this type of society had to do with the contagious diseases that result from this type of preponderant, undisciplined sexual activity. The regulatory laws came

down hard on poor prostitutes, requiring them to be certified for their “profession” with hygiene licenses; but the law never came down on rich men in order to certify them for their “lust control” with ethical certificates. Were these laws designed to protect the prostitutes or were they designed to make it easier for wealthy moral deviants to continue unfettered with their historical patterns of irresponsibility? And this is what happens when society abandons Allah (ﷻ), His Scripture, and the life-giving words therein.

The survivalist reaction by the underclass women vis-à-vis the state imposed laws was to increase their dependency on males who are pimps/protectors, on organized crime, and on deals with owners of bars, night clubs, massage parlors, etc. Even though the United Nations, in 1949, adopted a General Assembly Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others, this underclass sexual exploitation of women flourishes worldwide. Some of the places in the world that are notorious for this degradation of women include Thailand, Nairobi (Kenya), Buenos Aires (Argentina), and Ethiopia. The *āyāt* above that look at sex, family, society, the orphans, underprivileged women, the family, and husband and wife relationships could be better understood if we could pool valuable information together about the issues of power, gender, race, and class that hover around this worldwide and historical problem.

In today’s world there is no Islamic social order, no Islamic central government, no Islamic moral society, and no Islamic civilization. Therefore, it would be accurate to say that Islam is not responsible for the deterioration of the human condition on earth. The *āyāt* we are reading, understanding, and explaining do not have the force of law behind them. And therefore non-Islamic regimes and constitutions are responsible for the sorry state of affairs that the world finds itself in. For example, because these *āyāt* about orphans, broken families, forsaken widows, and desperate women have been scrapped, there are almost 250 million youngsters below the age of 17 who are in the labor force; roughly half of them are working as if they were full-fledged and able-bodied men. Around 180 million are suffering from the worst conditions of child

labor, such as slavery, prostitution, and forced recruitment for military duties. Child soldiers live a life of round-the-clock viciousness. They are recruited by threats, lies, and coercion.

Prostitution means sex for a man — but it means money for a woman. And to that end it has survived social disapproval and legal restrictions. Pimps, prostitutes, and people who pay for sex hazard criminal punishment in many countries and risk serious health problems but the “business” and the “excitement” continue. Pornography, an appendage of prostitution, continues to thrive even when it is illegal. It is said to be the most lucrative business on the internet, releasing 20 times as many videos as those released by Hollywood each year. Online pornography in the USA was projected to grow from \$230 million in 2001 to \$400 million in 2006. In the year 2001, there were 10,800 hard-core videos (those that film the actual sexual act or various forms of perversion and masochism) released in the USA alone. In the year 2002 the global prostitution industry is said to have been worth \$52 billion. In a world devoid of these Qur’anic teachings there is an international trade in images of sexuality and in sex workers, both willing and unwilling. Of Thailand’s overall GDP (Gross Domestic Product), 14% comes from prostitution and sex trafficking. In the brothels of London, 60% of the women “workers” have been trafficked from Eastern Europe.<sup>28</sup> And to add insult to injury there is a growing number of orphans who are becoming prostitutes.

“Underclass” orphans and women belong in a family that is able to bring out their optimum human potential. By contrast, it is the nature and consequences of war that has, in most instances, led to the abuse of children, women, and other disenfranchised segments of society. If the Islamic human potential once again succeeds in establishing an “ideological state” that quickly acquires a global momentum, then there will be effects and aftermaths in which previously anti-Islamic states will become the responsibility of a growing and expanding Islamic state. And with that will come justice and dignity for women who no longer have husbands, breadwinners, and supporters; and for orphans who no longer have fathers, families, or a home of their own. The magnitude of this

problem is so serious that it had to be highlighted in the course of man's commitment and devotion to Allah (ﷻ). If human society ever reaches a level of maturity in which wars and their consequences no longer oppress humanity, then we may look at these *āyāt* the same way we look at the other *āyāt* that shed light on our human behavior — such as those pertaining to the human problem of substance abuse and addiction. If humanity ever reaches a time when there are no longer any social drug problems then we may appreciate how Islam and the Qur'an contributed to the eradication of such evils and vices.

In our world today the family has had to weather many ideological misdirections and as a result it has lost its vitality, strength, and durability. Under the weight of ideological warfare against it and serial economic crises, some may suggest that a family is already struggling to exist without adding onto it orphans, widows, and underprivileged women. The answer to this curiosity is that a family in an Islamic society is not only the nuclear family, characteristic of Euro-American secular and materialistic societies. A family is a vibrant and pulsating hub of feelings, expectations, efforts, purposes, and sympathies that belongs to a larger union of relationships — roughly referred to as the extended family; or in Islamic terms the *'uṣbah*. The new-age Muslims of tomorrow are going to have to realize they need to reshape family life in their struggle to remake an Islamic society, **“This will make it more likely that you will not deviate from the right course” (4:3).**

If there are societies and governments that are serious about doing justice to their underclasses, their underprivileged, and unfortunate they will have to resuscitate and revive the family in their communities. This will force them to look at their own families and their own selves; but they will not want to do that because they will realize that their families are falling apart; and thus if there are leaders whose families are no longer what they are supposed to be, then how can they succeed in building societies when they are failing in building families? This revitalization of the family will make it more likely that they will not deviate from the right course of social justice and enhancement.

To close out this subject, this writer would be remiss if he did not shed light on and redirect the understanding of a very grave issue that is thrown into this discussion in the books of *tafsīr*. The issue concerns the permission drawn from a peculiar understanding of this *āyah* that grants a man the license to marry as many socially disadvantaged, less-than-free women as he so desires. In other words, some commentators suggest that men can marry women slaves, captives, or prisoners of war without any consideration for the concept of justice mentioned in this *āyah* and the concept of controlled and qualified polygamy conveyed in the broader discourse. Such women are referred to as *imā'* (plural of *amah*) or *sarārī* (plural of *surrīyah*), meaning women who are enduring substandard economic conditions along with second-class civic standing in society. This interpretation immediately breaches the standards of justice and equality so enshrined in the understanding of this holy Text; it conveniently dismisses the obvious that women are still women whether they are women of status or women of slavery, and if husbands are ordered to be fair to them this fairness is not contingent on their "class status." And if polygamy is a restraining procedure for limiting the number of wives, then a husband's relationship with his spouse is one of husband and wife regardless of her civic distinction. A woman is not less a female if she is, let us say, a prisoner of war than when she is, let us say, an aristocrat's wife.

### Receiving a Dowry is a Woman's Right

The language of this lucid Qur'an goes on to articulate women's rights, before going back to the orphans. This interplay between women and orphans in society becomes a clear social justice issue in the Qur'an, **"And give to women their marriage entitlements in the spirit of a gift; but if they, of their own accord, give up to you any of it, then enjoy it with delight and good cheer."**

This *āyah*, among the many other similar *āyāt* in this fair Qur'an, establishes a woman's right to her money or property, owed to her at the time of marriage by her husband-to-be. This "financial" right is not a matter of some scholar's legal opinions; in fact,

it is enshrined in this incontrovertible Book of rights (the Qur'an). Past as well as present societies want to slight women in many ways. And one way of doing so is to withhold this monetary obligation at the time of marriage. Some of these societies want the bride's parent or guardian to receive this fiscal right, which clearly belongs to the woman, the bride, the wife. In this scenario there appears to be some type of tradeoff or sale: the bride's guardian or parent receives the money from the groom and the groom receives his bride from the guardian in exchange.

There was also another type of swap marriage called *shighār*, in which a man would barter his daughter or another female under his oversight with another man's female in marriage; in a sense this would amount to, "I'll marry your daughter or sister if you marry my daughter or sister." The operative feature of this type of marriage was that the dowry could be voided; and the wives-to-be would have no recourse, opinion, or decision in their own future. For those who observed *shighār*, it was a kind of "sexual transaction." The women's rights document as expressed in this Constitution of rights (the Qur'an) banned this type of marriage. Marriage, as man yields to Allah (ﷻ), is the meeting of two souls and bodies with all the desire and trust in each other and with all the freedom to select the corresponding mate. The dowry is a bride's right and no one else, even the bride's father or mother, has any access to it. This dowry has to be defined and declared, dispelling any doubts or questions pertaining to it. Once it is agreed upon between both sides, husband and wife, the husband has to honor his pledge and give this dowry to his wife and no one else. This is a true benefaction owed by husband to wife.

He is required to give it to his wife in the spirit of making such an offer from the bottom of his heart with no reservations or strings attached. If after the wife's full acquisition of this dowry, she feels comfortable and confident in giving him back some or all of it, that is strictly and altogether her decision to the exclusion of everyone else, including her father, mother, and husband. If the wife chooses to return some or all of her dowry, and she actually does so, then it becomes the husband's property and he is free to responsibly do

with it whatever he sees fit. The relationship between husband and wife is always expected to be cordial, reciprocal, and in good faith. They both should have absolute but responsible freedom of choice, coming from their heartfelt attachment to each other. The affection they share should generate a tolerance that accommodates either's mistakes insofar as these were made with the best interest of the family as the rationale.

Before a misunderstanding develops, it should be evident that, unlike the dowry in the Euro-American world and in some South Asian cultures where the money or property is given by the bride's family to the groom as part of the marriage agreement, the dowry in Islamic marriages goes from the groom to the bride. In an Islamic wedding, this marriage portion does not go to the family of the bride — it goes to her directly and exclusively. In most Western cultures, if not all of them, families are allowed to have access to the dowry as per their mutual arrangement. In 1961 dowries were made illegal in India; however, in 1992 the Indian government reported more than 15,000 murders or suicides between 1988 and 1991 that were directly related to insufficient dowries.

The Qur'anic word in this *āyah*, *ṣaduqāt*, should be rendered as *bride-wealth* or *bride-right*. Hence, it is the goods or property presented by a man's family or the groom himself to his prospective wife straightaway and solely. Many cultures in Africa, Asia, the Pacific, and among several Native American groups have been influenced by the Qur'an and hence define the monetary exchange at the time of marriage as going from husband to wife.

Bride-wealth (*ṣaduqāt/mahr*) is regarded as compensation to the woman for conceding her sanctity and trust in marriage to her husband. And therefore, from another angle, it may mean that the children she bears will belong to her husband's family group rather than her own. Cultural mores may sometimes require the bride-wealth to include a large amount of valuables such as livestock, property, or cash.

This *tafsīr* tries to avoid the minutiae of *fiqh*, not only because such issues have been adequately covered in other exegeses of the Qur'an, but more importantly because people tend to elevate their



significance above the more consequential and substantial general rationale of personal and social responsibility contained in the *āyāt* in question. For this reason, this writer, in the course of explaining the combined responsibilities that are embedded in these *āyāt*, would prefer not to deal with the issue below because it is an isolated facet that is on the peripheries of the ideological thrust. However, because it comes up so frequently, the question of how much a husband is required to give to his future wife as bride-wealth will be considered very briefly. The preference here is to leave this up to the moral quality of the couple, their mutual understanding, and the personal and family potentials that get involved in bringing man and woman into matrimonial union. Even cultural and geographical locations may have an impact on this necessary component of marriage.

But just for demonstrative purposes, one school of thought, the Ḥanafī, estimated a *mahr* to be the equivalent of one-fourth of a *dīnār*.<sup>29</sup> This reasoning is not a commandment etched in stone, though some people mistakenly view it as such; it probably made sense during a time and place with particular economic, cultural, social, moral, and market levels and standards. The outcome of the reasoning would definitely change as these variables change. One hadith provides some direction in this regard, “Seek [a bride-wealth even] if it be an iron ring.”<sup>30</sup> Some of the Prophet’s (ﷺ) disciples married their wives and offered to teach them some of the Qur’an in lieu of a dowry.

### Orphans Who Qualify Deserve to Receive Their Inheritance

After covering the issue of marriage for purposes of social justice delivered to orphans and women lacking the rights and advantages of other women in society due to the instabilities of wars, natural disasters, and strong cultural influences, the *āyāt* revert to the financial obligations due to orphans. The monetary commitments that are the rights of orphans are a moral imperative in any Islamic society, and are thus reiterated here.

Man’s attachment to money and wealth is the real issue. Man, just because he thinks he is the master of his circumstances and

potentialities, harbors the impression that money belongs to him. The elevating *āyāt* here come to make it clear to man that money in the first instance belongs in a thorough and utter way to Allah (ﷻ). Then money belongs to the people of the earth. And then after these first two categories, Allah (ﷻ) has apportioned a percentage of the total to this individual man, who frequently gets carried away, thinking that *all* this wealth belongs to him personally. The man not disciplined by Allah's (ﷻ) guidance may carry this erroneous impression even when he is a legal guardian of an orphan's money or property.

Public wealth belongs to the public. It does not belong to executives, capitalists, executors of wills, or misers. And whatever belongs to an orphan reverts to an orphan when he or she reaches the age of responsibility. He or she is free to use, invest, and transact his or her wealth in all proper and *ḥalāl* avenues.

However, in the case of a "mentally challenged" or a psychologically imbalanced orphan, then the money he or she may have assumed responsibility for goes back to the public trust. This department in government or public agency in society will dedicate the orphan's wealth to the best possible financial utility available. An effort should be made to see to it that the extended family circle of the orphan is involved in this venture so that his or her best interest is preserved. Such unfulfilled orphans due to handicaps or disabilities should still be guaranteed their daily sustenance, decent behavior, and shelter,

**And do not entrust to those [orphans who reach the age of puberty] who are weak of judgment the possessions which Allah has placed in your charge for [their] support; but let them have their livelihoods therefrom, and clothe them, and speak to them in a good-natured way (4:5).**

The duty-laden words here oblige socially responsible families who are in charge of orphans to judge whether these orphans at the age of responsibility are mentally capable of repossessing

what belongs to them. In other words, it has to be ascertained whether the orphans are mentally fit to act responsibly with their regained wealth. If they are deemed mentally disturbed by competent and qualified personnel then they would disqualify from administering what would have otherwise been theirs. And because orphans and other downtrodden individuals are susceptible to mental and emotional degradation, it merited special mention in this conscientious Book.

Such disqualifying mental disorders are a group of conditions with psychological and/or behavioral manifestations, which may be accompanied by impaired functioning. This may be a result of circumstantial distress or an increased risk of morbidity or mortality. The range of causes encompasses biological, psychological, genetic, social, and physical predispositions and disturbances. The features of a mental disorder exclude normal reactions to distressing events and deviant behaviors. The disorders do not have discrete boundaries, nor do people suffering from the same disorder necessarily display common features. Examples include anxiety, dementia, schizophrenia, etc.

The word *sufahā'* may include those who have been variously characterized as the mentally retarded, mentally handicapped, or mentally challenged. People who are mentally handicapped have a condition in which they have an intelligence quotient (IQ) of less than 70, with deficits in their ability to live independently, evidenced before age 18. Four categories are generally recognized,

1. mild, IQ 50–70,
2. moderate, IQ 35–49,
3. severe, IQ 20–34, and
4. profound, IQ less than 20.

The cause of the “below-average IQ” is unknown in around 75% of the cases. Theories that try to explain the phenomenon include currently undetectable brain damage and environmental deprivation. Known causes include genetic factors (Down’s Syndrome), infectious diseases (rubella), and noxious chemicals (thalidomide). Some of the latest research suggests a causal link between child-

hood vaccinations and autism.<sup>31</sup> Accidents in early childhood are also considered to be one of the major causes. For such orphans to qualify for fiduciary maturity they would have to be cleared of any of these and other mental disorders,

**And test the orphans [in your protection] until they reach the age of marriage; then, if you find them to be mature of mind, hand over to them their property and possessions. And do not consume them by wasteful spending, and in haste, before they grow up. And let him who is rich abstain entirely [from his ward's property and possessions]; and let him who is poor partake thereof in a fair manner. And when you hand over to them their possessions, let there be witnesses on their behalf — although none can take count as Allah does (4:6).**

The meticulous and painstaking Qur'an motivates in Islamic society a heightened sense of fiscal responsibility in which guardians of orphans are required to safeguard, manage, and then return what originally belongs to them. The time frame for repossession of the orphans' wealth is neither indefinite nor left up to the guardian's opinion: once orphans reach the age of manhood or womanhood they should assume responsibility for their own wealth. When a guardian has been entrusted with the life of an orphan, he is also charged with indemnifying the orphan's wealth against any abuse or confiscation. And if the guardian is not capable of supporting the orphan financially, and requires the orphan's own wealth for such support, then he must do so with prudence and good sense.

In pre-Qur'anic Arabia, girls and young children in most instances were not entitled to any inheritance share. The "logic" was that since these minors were incapable of mounting horses or repelling enemies, they would thus have no right to inheritance acquisition. This was a primitive way of identifying wealth with power. If one had power (riding horses, which was a status symbol, and fighting enemies, which was a military trait) then he was enti-

tled to wealth. Not very much has changed in human nature since that time. In today's world, figures of power exchange wealth with figures of finances. But Allah's (ﷻ) will is to distribute the wealth belonging to parents among the members of their family — all siblings in that family. The portions and amounts are explained in the *āyāt* to follow. This was meant to solidify relations among the individuals who belong to a family line. It was also meant to consolidate a society of social well-being.

It is in the nature of how Allah (ﷻ) fashioned human lives to juxtapose a fair distribution of wealth with a balanced allocation of responsibilities. It is within this ambiance of fairness and family solidarity that a sibling should feel attached and therefore responsible toward his other family members. If someone falls into the bracket of need or helplessness it ought to be in the God-given impulse for those attached to him through family ties to come to his support. Even if a family member has to indemnify with financial compensation an act of homicide or has to reimburse a victim for damages and he is not financially able to do so, the first tier of natural support for him to rely on is his immediate circle of family members and relatives.

So if money flows in one direction from immediate and proximate family circles to one of their own who needs their contributions it is only fair that this money flow back to them when this same person dies. What would have been his had he lived now reverts back to those immediate relatives around him, beginning with his immediate family. Thus, the laws of inheritance in an Islamic society speak to the concomitant flow of family emotions with family financial responsibilities along with family emotional and financial reciprocity. The justice in this arrangement is the family bond that is honored among vertical and horizontal members of the family.

### **Inheritance Laws Assure Social Integration of the Disadvantaged**

This financial obligation that gets entangled with family feelings is not left up to man's better judgment, which is generally subject to being subverted by the power interpretation and power structure of a particular culture or society. In these cases, and particularly in our times, a legal will suffices to delineate how a person wishes his or her property to be disposed of after death. It also appoints administrators of the estate and may contain wishes on other matters, such as place of burial or donation of organs for transplant. These wills must comply with the formal legal requirements of the local jurisdiction.

In some portions of the secular renegade society the executor, a person appointed in the will to carry out the instructions of the deceased, becomes a significant part of this family affair. A person so named has the right to refuse to act; he also has the duty to bury the deceased, prove the will, and obtain a grant of probate, that is, establish that the will is genuine so that all his subsequent actions have the stamp of official approval. Finally, the executor must also pay the liens, fees, and taxes on the estate before distributing the estate property to the heirs.

In a family and society subject to the incontrovertible guidance of Allah (ﷻ) as expressed in this Book, the mechanism of *irth* (inheritance) is spelled out in general terms. And the complying Muslims need not throw into the process the financial diktats or power priorities that will clash with family priorities and ultimately splinter the family unit — a unit that is central to societal stability in the Islamic frame of reference. Socially conscious individuals in human society who yield to Allah's (ﷻ) infinite knowledge and everlasting love do realize that these scriptural laws are meant to uplift the human condition. And, for that reason, these inheritance regulations fit into the larger scheme of divinely organized social justice and human welfare on earth.

If forward-looking humans expect to organize themselves within a legal system meeting with their approval, they should realize that the legal statutes of such a governing authority, whatever its level of centrality in that society, should never contradict man's God-given human nature. Human beings engaging in a process to

understand their own human nature has proven to be an irreconcilable endeavor at best. Some social science philosophers say human beings are basically inclined toward what is good and virtuous; while others say just the opposite, that human beings are driven by what is bad and wicked in life. The only reliable source of information on human nature is Allah (ﷻ) Himself, as He is the One who has created, molded, and fashioned this human nature, which we humans continue to disagree about. This common human nature that is shared by primitive dwellers of rural areas as well as sophisticated city dwellers has its inclinations, propensities, and attractions. And these latent yearnings were not configured into human psychological life “just for the hell of it.” They were deeply embedded into man for a higher purpose, for him to behave and cooperate for the upliftment and progress of his shared human existence here and now.

The positive expansion of human nature finds its beginnings in the strong composition of families, family ties, and family solidarity. This family dynamic is ingrained in the constant and consistent human nature. It is not one of those social dynamics that is engineered by a legislative process, or an executive order, or through the process of evolution. The family with all its pool of love, feelings, sympathies, and closeness is “an act of God.” Any intellectual arguments or academic philosophies that try to dilute this family reality are in a clash with human nature, are an obvious fabrication of assumptions, and hence are a waste of time. With all the effusive elements that go into cementing close family ties and with all the natural ingredients of family togetherness, it is only to be expected that Allah (ﷻ) has spoken to these facts. Besides, the family is the bedrock unit of society; and if a family is void of social justice and equilibrium it just sets the stage for the demise of the greater human society at large. To this end, the terms of inheritance within the family unit have been outlined for all to consider and carry out. This will not only serve the limited family around the parents but also the extended family within society.

Families are central, critical, and potent in shaping the social order that man deserves and that he can gain by adhering to what

Allah (ﷻ) says. Put another way, a family has to take care of its own. If it is not able to do so, then the immediate community around that family should feel responsible for its well-being and welfare. And then if the community itself is not in a position to help a “failing family” then the issue reverts to the Islamic authority to do what it can to solidify such a faltering family. As this demonstrates, families in need are not expected to go to the social welfare services of the state to apply for food stamps, family assistance, shelter, and other government “entitlement” programs when they are hit by “hard times.” The state budget should not be the first recourse when a particular family feels the crunch of hardship.

This social “safety-net” in which families are located is consolidated by a community air of fraternal ties and intimate acquaintances that come from the *masjid* hub. Parents are to families what *masjids* are to communities. There has to be in a God-centered society on earth a “hotbed” of affections and activities that revolve around the *masjid*. In this manner and through confidential and personal familiarities people begin to feel and care for each other. They “naturally” respond to the needs or deficiencies within their fellowships and communities. This crucial exchange of human feelings is needed to make the human exchange of resources viable, sustainable, and durable. And can anyone suggest there is something wrong with companions and neighbors looking out for each other in an atmosphere of brotherly love and social solidarity? No one in this scenario is doing anyone else a favor; they are all cooperating and collaborating for the general good. And if this is desirable in society, it is more desirable within a family. It is one of those subliminal human feelings that drives a man to work harder in life when he knows that his efforts will be nurturing his family members and not spilling into an “unknown” social void. This attachment to hard work for the benefit of immediate and extended family, in an indirect way, contributes to the well-being of society at large. And it becomes another way of voluntarily and energetically blurring the lines between the family and the social affinities of individuals. In the final analysis, what belongs to individuals belongs to society, and vice versa.



There may be some theorists who would counter with a “labor and labor-value” argument here, saying that an idle person should not acquire any wealth, which he has no labor investment in, just because he or she is the son or daughter of a wealthy person. The rebuttal to this type of assertion is that there is a mutual social bond in which all members are collectively responsible for each individual’s well-being; therefore, if it was the other way around and the ancestor or antecedent, the source of inheritance, was in need, it would fall on the potential heirs to provide money, resources, or whatever is needed for the well-being of an “emotional member” of theirs. And once again, when the family circle is extended beyond bloodlines, the resources are due to society if society itself is in need and the nuclear family is not in need.

Another essential feature to keep in mind is that these relationships are not identified by money; money is an aftereffect. Direct blood lineage should never be cast in terms of money or wealth. When all financial considerations are set aside, the other ties — love, respect, sympathy, passion, and grace — are still there, strong and vibrant. This is one reason why it is important to redefine financial relationships in light of these ties instead of destroying these relationships for the purpose of acquiring and multiplying wealth, as is the case in many materialistically tainted societies and cultures.

Parents, grandparents, and immediate relatives do not pass on to their offspring money alone. They also pass on to them aptitudes for virtue or vice, genetic dispositions toward health or ailment, and a family temperament to do good or to do wrong. Some mental or psychological features tend to have family origins. These inclinations tend to accompany future generations. It is only common sense to equip these future generations with the “supply” of money that breaks down into inheritance channels to “help them out.” If the forefathers are not able to protect their progeny from some genetic or “inherited” disorder, it would seem that the least they can do is to provide them with some inherited wherewithal to assist in overcoming deleterious or debilitating hereditary traits. When it comes to genetically transmitted conditions, the first line of

responsibility for taking care of such victims is the family.<sup>32</sup> Family resources have to be invested in caring for the family's own. Obviously, a state authority will be unable to interfere in this genetic or family affair.

When the human condition as a whole and the collateral family issues that come along with it are more closely examined, a better understanding emerges about why the dispersion of emotions in a family needs its parallel distribution of resources. And in light of this, those who comply with Allah's (ﷻ) guidance gain a better understanding of the issue of *irth*. Once the conscience is properly positioned into the context of family relationships and their impact on the stability of the more complex society at large, the following *āyah* provides structure for the particular human behaviors that lead to these ends,

**Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much — a share ordained [by Allah] (4:7).**

Thus, the general rule has been set: men and women have a percentage of any acquisitions from past generations or from deceased relatives. Those orientalist and their acolytes who accuse Islam of gender bias will have to be reminded that this right to inheritance was given to women 14 centuries ago when women were abused and misused by men and the cultures of the time. At least to begin with, in theory, women due to the words of this enduring Qur'an had an established right to estates, endowments, and gifts that were left by a deceased family member. This *āyah* also establishes the rights of minors to acquire whatever wealth is due to them via their inheritance rights. These minors, especially young females who are entitled to their inheritance share, as is the case in all societies that deviate from scripture, are victims of the power structure. Power centered *jāhiliyahs* acknowledge only the rights of those who have productive status or military contributions to society. Allah's (ﷻ) Book and Prophet (ﷺ) though came to honor the

humanity of man and to raise his dignity. Human beings, regardless of their gender, are born equal and should live that way. Within this frame of equality, human individuals are required to cooperate and reciprocate to make life better for the self and others. And the laws of inheritance in this word-perfect Book are meant to help man and woman share, distribute, and disperse both emotions and wealth *together* in a way that energizes society and brings out the best in human relations.

Inherited money and possessions are allotted in the Islamic mode of life such that certain relatives who are closer to the deceased acquire inheritance in certain proportions. However, there are relatives, further from the deceased, who do not inherit. The reason is that there are other immediate relatives who are more entitled to the deceased's material possessions and holdings; so by the former's acquisition the latter is preceded. These "distant relatives" who are debarred from the inheritance process as a matter of "normal procedure" are still entitled, in other ways, to a portion of the deceased's holdings to assuage their feelings. This opportunity was meant to give distant family members immunity from the possible "creeping feeling" that money allotment defines family relations. Distribution of money within family circles is intended to bolster family ties, not diminish them. Orphans and people of poverty who fall within family circles also receive special consideration in the disbursal of a deceased person's holdings. With this in mind, the following is to be expected,

**And when [other] near of kin and orphans and destitute persons are present at the dispersal [of inheritance], give them something thereof for their sustenance, and speak to them in a kindly way (4:8).**

The gentle Qur'an is truly the Book for powerless people. The issue of orphans, abandoned infants, and children deprived of their parent(s) is not just a legal issue; it is a humanitarian and compassionate affair. And, therefore, the Qur'an once again returns to remind and prompt us concerning these weak individuals in socie-

ty. We are put on notice, yet again, not to partake of any possessions belonging to such infirm and delicate members of society. If such children are deprived of parental love and care, a close-knit human society should move in and offer these lonely souls the compassion and sympathy they need but cannot solicit. If those who are able to afford the burden of emotional and financial support for these orphans refuse to do so, then they can expect the worst in the life to come,

**And let them stand in awe [of Allah], those [legal heirs] — who, if they [themselves] had to leave behind weak offspring, would feel fear on their account — and let them remain vigilant of Allah [and His power deterrent in human affairs], and let them speak [to the poor] in a just manner. Behold, those who wrongfully devour the possessions of orphans only fill their abdomens with fire: for [in the life to come] they will have to endure a blazing flame! (4:9–10).**

In other words, the *āyah* is telling fathers and parents who are in a comfortable material position to think about these orphans and abandoned infants as if they were their own children. How would they feel if their own children were to become orphans? Would they not favor other fathers and mothers caring for their fatherless, motherless, or parentless children? Of course, any human being who has not perverted his God-given sensitivities, inclinations, and kindness would want this type of human feeling to be translated into a social value and a financial responsibility. So, it is only fair to implore affluent fathers and parents to assume the responsibility for the care of unfortunate orphans and destitutes because the shoe may be placed on the other foot in the future. For it is possible that the children or grandchildren of the affluent may switch positions with the unfortunate and they would be in a position that “begs” for understanding, tenderness, and generosity.

In all these “social ups-and-downs” there has to be a constant consciousness and a fixed social value that binds responsible people

of means to underprivileged and underage minors. This is the public norm and the personal quality of *taqwá*: knowing that power and wealth belong to Allah (ﷻ), and subsequently affirming that Allah (ﷻ) will manifest His power to correct all ideologically institutionalized social errors that reach a point of no reconsideration. This *taqwá* that permeates society's voters and representatives is a type of psychological guarantee for the poor and indigent members of that society. The popularization of *taqwá* is the only social warranty that will make the rich individuals of society give feelings along with finances — as everyone in such a society that yields to Allah (ﷻ) is sure of Allah's (ﷻ) possession of corrective power and propriety. Furthermore, it is not enough to extend wealth apportionments without doing it in the proper way. The language that flows from the "upper crust of society" to the lower layers of it, from the affluent to the hapless, should be measured and meticulous, **"...and let them [the prosperous] speak [to the poor] in a thoroughgoing manner."**

The living words of the Qur'an paint a dismal picture of those who possess money in this world and then refuse to be helpful. The scene is frightening as it draws a picture of combustion in the stomach. What used to be money in worldly affairs turns out to be fire in post-worldly destiny. The same fire that roasts and boils is the one that will burn those who failed to be forthcoming toward powerless, homeless, and at times stateless orphans, widows, and *masākin* (people without wherewithal). Worldly individuals who were obsessed with money become abscessed with fire. What an awful fortune!

This is the only way a social semblance of equality and fairness is going to materialize. Moneyed individuals are going to have to give of what they have not because there is a state lashing their bodies with prison terms and bleeding their budgets with hefty fines, but because there is a heightened sense of Allah's (ﷻ) reality that lashes their conscience and bleeds their hearts. Therefore they give to those in need, they give with a clean conscience, and they give generously and responsibly. The Qur'an states, emphatically and unequivocally, that any tampering with or encroachment upon the orphan's possessions — and also the possessions of widows and society's underclasses — translates into a harrowing inferno in the per-

petrator's belly when he meets his destiny in the forthcoming and inevitable life, **“Behold, those who unlawfully gobble up the possessions of orphans only fill their bellies with fire: for [in the coming life] they will have to experience a flaring fire!”**

The *āyah*, **“Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much...,”** is said to have legislated against a predatory social characteristic of certain societies, including the Arabian society of that time. People in pre-Qur’anic times did not allow girls and minor boys, prior to adulthood, to qualify for inheritance. A man by the name of Aws ibn Thābit in the society of Madinah died, leaving behind two daughters and a small boy. Upon his death, his cousins, Khālid and ‘Arfaṭaḥ, claimed ownership of all his possessions. At this point his wife Kaḥlaḥ came to the Prophet (ﷺ) and explained what had happened. The Prophet (ﷺ) withheld judgment, and on this occasion the above *āyah* was revealed.<sup>33</sup>

The *āyah*, **“Behold, those who unjustly devour the possessions of orphans only fill their bellies with fire...”** is said to have addressed a social vice represented by a particular Marthad ibn Zayd, from the tribe of Ghaṭafān. This individual took possession of his young orphan nephew’s belongings and spent or consumed it for his own personal benefit. As a redress to such customs and traditions this *āyah* rectified such behavior with provocative words so as to protect the rights of orphans and society’s “lower classes.”

The following encapsulates some of the *fiqhī* and rational deductions from these *āyāt*:

1. The prerequisite for inheritance is family and blood relations.
2. There is a distinction between close and distant relatives.
3. The fact that both men and women are entitled to inheritance assets, resources, and capital is established. This was a way of overturning a patriarchal social setup that only permitted able-bodied, productive, and aggressive men to be the sole heirs.
4. Some scholars took the words, **“...whether it be little or much...”** in the *āyah* above to say that the heirs — men and women — are entitled to everything, large or small. So, for

- instance, if a dead person were to leave behind a home or even a few square feet of land the allocation of proportional shares to the heirs would become problematic because a home cannot be divided among several or tens of individuals in some cases. In this case, such “indivisible” items are sold and then the sale proceeds are distributed to the legal heirs.
5. In the hours or few days before expiration or passing away, those in attendance who are non-eligible heirs such as distant relatives, orphans, or the wretched should receive some amount, even if it be a token, from the deceased person’s assets.
  6. Communication between financially established individuals and financially destabilized individuals should always be appropriate, accurate, and compassionate.
  7. The treatment of orphans and the socially challenged should be conducted in a way that makes them feel like they belong.
  8. The first nine *āyāt* in *Surah al-Nisā'* are orphan centered. Much care has been expressed in this compassionate Qur’an about orphans, their material possessions, and psychological well-being. After reading and realizing the intents and purposes of these *āyāt* no person should ever contemplate discourtesies or offenses of any kind against society’s unfortunate and unsuccessful members.

To get a stronger sense of how important the issue of orphans is, contemplate some of the other *āyāt* in this empathetic Qur’an,

**And they will ask you about [how to deal with] orphans. Say, “To improve their condition is best.” And if you share their life, [remember] they are your brothers: for Allah distinguishes between him who spoils things and him who improves... (2:220).**

**...and about helpless children; and about your duty to stand up in equity for orphans. And whatever good you may do, behold, Allah has indeed full knowledge thereof (4:127).**

And do not infringe on the substance of the orphan, except in a manner conducive [to the orphan], before he comes of age (17:34).

Therefore, the orphan shall you never repress... (93:9).

The Prophet (ﷺ) is reported to have said, “*The chaperon [retainer] of an orphan and I are as near and close as these two [and he raised his hand and gestured with his index and middle fingers].*”<sup>34</sup>

### Legislation Pertaining to Apportionment of Inheritance

The breakdown of the rules of inheritance begins by advising parents to be concerned with their children. Then the parents are told that Allah (ﷻ) is more concerned with their children than they are. Allah (ﷻ), the Compassionate, the Caring, the Loving, and the lovable places Himself between parents and their children. His love for both exceeds each one’s love for the other. He, alone, is the only one who is able to be fair to all sides: family siblings, family members, and family descendants. Everyone should place their confidence in Him and justice will be done. He establishes the general rule; and from there He goes into the needed details by defining the shares and the proportions.

Concerning [the inheritance of] your children, Allah entrusts [this] upon you: the male shall have the equal of two females’ share; but if there are more than two females, they shall have two-thirds of what [their parents] leave behind; and if there is only one, she shall have one-half thereof. And as for the parents [of the deceased], each of them shall have one-sixth of what he leaves behind, in the event of his having [left] a child; but if he has left no child and his parents are his [only] heirs, then his mother shall have one-third; and if he has brother and sister, then his mother shall have one-sixth after [the deduction of] any bequest he may



have made, or any debt [he may have incurred]. As for your parents and your children, you know not which of them is more deserving of benefit from you — [therefore this] ordinance from Allah. Verily, Allah is All-Knowing, Wise.

And you shall inherit one-half of what your wives leave behind, provided they have left no child; but if they have left a child, then you shall have one-quarter of what they leave behind, after [the deduction of] any bequest they may have made, or any debt [they may have incurred]. And your widows shall have one-quarter of what you leave behind, provided you have left no child; but if you have left a child, then they shall have one-eighth of what you leave behind, after [the deduction of] any bequest you may have made, or any debt [you may have incurred]. And if a man or a woman has no heir in the direct line, but has a brother or a sister, then each of these two shall inherit one-sixth; but if there are more than two, then they shall share in one-third [of the inheritance], after [the deduction of] any bequest they may have made, or any debt [that may have been incurred], neither of which was intended to harm [the heirs]. [This is] a resolution from Allah, and Allah is All-Knowing, Forbearing (4:11-12).

These two *āyāt* along with a third *āyah* at the conclusion of this *sūrah* together constitute the rules of inheritance distribution,

They will ask you about a worthy issue. Say, “Allah answers you about the laws concerning [inheritance from] those who leave no heir in the direct line: if a man dies childless and has a sister, she shall inherit one-half of what he has left, just as he shall inherit from her if she dies childless. But if there are two sisters, both [together] shall have two-thirds of what he has left; and if there are brothers and sister, then the

male shall have the equal of two females' share." Allah makes [all this] clear to you, lest you go astray; and Allah knows everything (4:176).

The fine details of this general dispersal and apportioning of inheritance are contained in the books of hadith and in the ledgers of fiqh and jurisprudence. For those who are seeking the hairsplitting *fiqhī* details on this particular matter (and there are a plethora of them), they should go to these scholarly sources and satisfy themselves with the abundance of available information. Insofar as this *tafsīr* is concerned, it suffices to capture the essence of what is being said in this definitive Qur'an so as to make it easy for Islamic workers to carry on with the work of rebuilding an Islamic society and reliving an Islamic life. Once that is achieved, the internal dynamics of such a society, in the progression of events, will foster the conducive environment to deal with the situation-specific fine points and details as they come up. However, the approach here throughout the reading of these well-timed *āyāt* is to concentrate more on the larger propelling meanings rather than to get sidetracked with the subtle, the suggestive, and the nitty-gritty.

**"Allah entrusts you with [responsibilities to] your children: a male has the apportionment of two females..."** This sentence is the basis of inheritance distribution. All other instructions are an offshoot of this rule. Allah (ﷻ) Himself here is telling both parents and children how they should handle their holdings in the event of a death in the family. And when Allah (ﷻ) proffers His decision it is done for the love of both parents and children equally; in fact it is done out of His love for all members of all families. He is not taking anyone's side. Hence, each one involved should feel very confident that Allah's (ﷻ) allocation is done for mutual, supportive, and helpful purposes.

It is Allah (ﷻ) who advises and it is He who obliges. This lawgiving position of Allah (ﷻ) is not specific to family issues; it is a position relevant to all social and interactive issues in life. To begin with, it is Allah (ﷻ) who apportions resources, wealth, and sustenance in human life. So why would anyone have any prob-

lems when He wants this allocation of wealth or resources done through the human agency within the family? And would it not make sense to have a God who is as keen on the equal or near-equal distribution of wealth in society as He is on its distribution within the family? This coordination of Allah's (ﷻ) will in the sphere of society and family through the agency and participation of man is another way of defining Allah's (ﷻ) *dīn*. If man chooses to “forget about God” in such matters, he sets himself up to be at loggerheads with Allah's (ﷻ) periodical corrective power, which throughout history has rectified this deviation away from Allah's (ﷻ) teachings when it became institutionalized and compacted into an errant “civilization.” People cannot fool themselves by satisfying Allah (ﷻ) in a modicum of moral meditating while they entrust their social lives to governmental institutions that run in a direction contrary to Allah (ﷻ), in disregard to all His advice in book, revelation, and scripture. It is high time for scripture-centered Muslims to realize they cannot paste over a God-denying society with a God-asserting individual.

In this flow of family advice from Allah (ﷻ), it is apparent that Allah (ﷻ) is located in our families. He is so loving and so concerned that He allays potential conflicts by telling family members how to apportion an inheritance among children and kin. Had this distribution of possessions and property been left up to man, he would surely have made a mess out of it, even to the extent of aggression, violence, and warfare. Humans should realize they are incapable of doing this equitably; they are in need of a higher hand of justice and fairness in this family affair. No one can come up and say that he knows better, and that he is better qualified to give his family members what each deserves. The hard fact of the history of societies bereft of such teachings from Allah (ﷻ) is that they do a magnificent job of breaking up families, alienating family members, and favoring some relatives over others. If we come to realize that we need Allah (ﷻ) in our families — in as intimate an affair as family life and maintaining normal human relations — then imagine how much we need Him in our social lives and in our interpersonal behavior beyond the family.

In a power hungry society where people are focused on materialism, as was the case when this Qur'an was revealed, the traditional and custom-driven people were displeased to see what this Qur'an was saying, **"A male gets the share of two females..."** Some people even scorned such a new standard in society. They were saying in effect, "You've got to be kidding us! A woman has a right to a fourth or an eighth of inheritance; and a daughter may inherit half the family's assets?! And, more contemptuous, a small boy has a right to inherit?! And yet none of these members of society has ever performed military duty! And, to boot, none of them has ever contributed to the national budget!" Some of these hard-core cultural Arabians thought that if these teachings from Allah (ﷻ) could be neglected, disregarded, and overlooked they may just fade away and the status quo would eventually best this gender and age "bias" in the Qur'an.<sup>35</sup>

Traditional and cultural spirits die hard. This Qur'an, which represents a gender leap from discrimination to fairness and from bias to justice, is not to the liking of cultural chauvinists. Traditional and cultural norms are never broken easily. This is the way it was then and this is the way it is today. In ancient times, women and children were discriminated against because of their gender and age. In some "modern" societies today they are discriminated against because they are not "productive" or "labor-worthy" or "they haven't worked for that wealth." These non-scriptural prejudices against women and minors fail to acknowledge their human status and their equality as complements to other members of their families.

**"A man is entitled to the portion of two women..."** When a deceased person has no one to inherit him except his direct male and female children they are the ones entitled to the dispersal of all his holdings on the basis that for every one share a woman gets a man gets two shares. And this does not mean or infer that one gender is superior to another gender as the secular mind immediately accuses Islam of being. The issue here has to do with matching finances with responsibilities and, beyond that, with being fair to the complementary roles of both women and men, wife and hus-

band, daughter and son in society. A man is assigned unique burdens in life; and so is a woman. The type of burdens that a man shoulders in a mutual husband-wife relationship require more financial assets than those borne by the woman. The man has the primary role of being the family's breadwinner and caretaker. When a man in a God-yielding society marries a woman he is expected — due to his potentials, aptitude, and physical structure — to support his family (wife and children) financially and to provide security. He is even required to support the wife and her children if she is divorced from him. A woman, though, in such a God-yielding society is expected to support herself or be supported by another man who belongs to her bloodline — either by birth or by marriage. Never is a wife or mother expected to spend of her own possessions on her husband or children. In this God-defined family and social structure a man spends at least twice of what a woman spends in supporting, maintaining, and nurturing a family. And if this is the case, then why should anyone be upset or offended when more money goes to men as they shoulder more of the financial and money intensive responsibilities. This extra money for the man in society simply corresponds to his extra duties and obligations in supporting and sustaining his family.

If a society, though, decides to abolish family life, then, it would seem presumptuous to hold to these Qur'anic directives. And if society wants to destroy a family for the sake of equalizing men and women, males and females, the masculine and the feminine, then it would seem that such a society is clashing with the nature, the figure, and the reciprocity for which both sexes were created. The next step forward in this anti-God direction is to probably become transgendered or androgynous, thereby diminishing the attractive features that bind both sexes to each other. After attuning themselves to the complementarity of a God-inspired society, people with clear thoughts and pronounced appreciation of the way humans are created would not care to “unisex” humanity for the purpose of establishing the ultimate “equality” of the sexes.

Dispersing this inheritance begins with the transfer of wealth from “root relatives” to “branch relatives.” If in the family there are

girls only, and they are more than two, then they all share in two-thirds of the inheritance. If only one daughter is inheriting, she gets half the inheritance. The rest (one third in the former, and one half in the latter) of the inheritance goes to the nearest of kin, considered to be the father or the grandfather, or his full brother, or his half-brother from his father, or the paternal uncle, etc. The wording, to be exact, is, “...and if they are women — more than two — then they get two-thirds of what he has left behind...” This is a definite allocation of two-thirds of the inheritance for more than two inheriting daughters.

As for there being only two inheriting daughters, the events during the Prophet’s (ﷺ) time establish that two daughters also get two-thirds of the inheritance. The following incident sets up the precedent. The wife of Sa’d ibn al-Rabi’ came to the Prophet (ﷺ), saying, “O Messenger of Allah! I come to you concerning these two daughters of Sa’d ibn al-Rabi’; their father was killed on the day of Uhud fighting alongside you — a *shahid*. Their paternal uncle took their wealth and left them with nothing. They are, in all likelihood, unsuitable for marriage when they are dispossessed of what is theirs.” The Prophet (ﷺ) replied by saying that Allah (ﷻ) will rule on this. And then the above *āyah* was revealed. At this point, the Prophet (ﷺ) sent word to their uncle saying, “Give Sa’d’s two daughters two-thirds of the inheritance, give their mother one-eighth, and whatever is left is yours.”<sup>36</sup> The above *āyah* combined with this precedent indicates that in a family of two or more girls their share is two-thirds of the inheritance.

Parallel to this is the case in which a deceased person has only two sisters; these two sisters are also entitled to two-thirds of the inheritance. Similarly, in the case of a deceased person having only one sister, the analogy is that this one sister is considered like one daughter, and therefore becomes entitled to half the inheritance.

The teachings and applications of these family inheritance laws switch from descendants to ascendants (from progeny to parents), if there are any who are still alive, in the presence of an offspring or lack thereof,

**As for the parents of the deceased, each of them shall have one-sixth of what he leaves behind, in the event of a child surviving him; but if he has left no child and his parents are his only heirs, then his mother shall have one-third; and if he has brothers and sisters, then his mother shall have one-sixth (4:11).**

The inheriting parents are not without interlocking considerations:

1. The parents are entitled to a portion of the inheritance even if the deceased is survived by his children. In this case each parent gets one-sixth. The rest is given to a male child or to a male child with other sisters on the original basis of the boy getting the share of two girls. If the deceased has only one daughter, she gets half the inheritance, while each of the parents gets one-sixth. If the deceased person has two or more daughters they all equally share two-thirds of the inheritance, while each parent gets a sixth.
2. If the deceased person has no child, no brothers or sisters, and no spouse, but the parents are still alive, then in this case the parents become the sole inheritors. The mother gets one third, and the father gets the rest by virtue of his *'aṣābah*, which means the father gets twice the amount the mother gets.<sup>37</sup> Had the deceased left behind a spouse along with his or her parents, the spouse-husband would be entitled to half the inheritance, while the spouse-wife would be entitled to one-fourth the inheritance. The mother would be entitled to one-third of what is left after the spouse acquires his or her share. And the rest would become the share of the deceased's father.
3. If the deceased leaves behind two parents (father and mother) and brothers and sisters — whether they be full brothers and sisters or half-brothers and half-sisters — then in this case no one is entitled to inheritance because everything reverts to the father. The presence of brothers and sisters though would restrict the mother (if the father has already passed away) to one-sixth the inheritance instead of the one-third she would normally obtain had no siblings survived the deceased. If the

deceased is survived by the father, but not the spouse, then everything else is allotted to the father. A deceased person having one brother does not restrict the mother from gaining her full one-third of the inheritance. The mother still gets her third as if the deceased had no son or brother.

All of this disbursal comes after the deceased's will and debts are honored, **"...after [the deduction of] any bequest that may have been made, or any debt [that may have been incurred]..."**

Muslims scholars are unanimous in that a debt should be paid off from the available inheritance assets before proceeding to the bequest and the inheritance disbursal.<sup>38</sup> This ascendance of debt over other considerations is obvious because the debt is owed to others; it is the right of others. Therefore, the debt has to be paid off if there are assets available for doing that. In all the Islamic references and source books there is an emphasis on satisfying debt obligations, as interactive life needs a sensitive conscience, confidence in people's financial transactions, social responsibility, and an economic ambience of assurance. For this reason, debt accompanies a person even after he or she has passed away.

A man said, "O Messenger of Allah! What if I were to die fighting for the cause and sake of Allah; would my wrongdoings be forgiven? And the Messenger (ﷺ) said, "Yes, if you were to die with an unflinching motivation, seeking Allah, and a determination that did not vacillate." The person asked the Prophet (ﷺ) once again, and he responded adding, "Yes, except for [your] debt as Gabriel has informed me."<sup>39</sup> It is also reported by Abū Qatādaḥ that a deceased person was brought to the Prophet (ﷺ) for funeral prayers. But he said, "Pray for your companion, as he owes a financial obligation." And I (Abū Qatādaḥ) said, "I will pay off that debt." And he (ﷺ) asked, "In its entirety?" And I said, "Yes." And then the Prophet (ﷺ) prayed for him the funeral prayers.<sup>40</sup>

The will or the bequest has to be honored because it is an extension of the deceased's decision. This bequest was made for the purpose of trying to accommodate other people whom the deceased felt were entitled to some of the inheritance. He may make such a



decision because of some definitive information about a particular person in need, or because he knows that offering a portion of his inheritance will help solidify relationships between the recipient and the legal inheritors. It may also help to blunt potentially negative feelings, or even envy, that may develop after he or she passes on. But the bequest may not be made to inheritors; and it may not exceed one-third of the inheritance. This is another way of ensuring that the deceased did not have dictatorial control over his belongings and wealth.

Allah (ﷻ) concludes the *āyah* with assuring words in a way that He only can, above even our own inferior understanding of the closest people to us,

**As for your parents and your children, you know not  
which of them is more deserving of benefit from you;  
[therefore this] ordinance from Allah. Verily, Allah is  
All-Knowing, Wise (4:11).**

Human nature is unpredictable when it comes to sympathetic feelings. There may be some fathers who are more inclined to favor their sons and children as opposed to their parents. And this is understandable as there is a flow of feelings in human nature that moves toward the future and away from the past. Then there are those who react to their own inclinations toward their children by trying to be more disciplined and fair to their parents fearing that they may fall victim to their absorption with their own children. And there are varying shades of attachment and fealty between these two on the spectrum, as their hearts pull them toward their children and their minds want to honor their parents. An average human being can wind up being torn between these seemingly unmanageable human inclinations. Add to this psychological uncertainty the cultural and social factors that would, without a second thought, dismiss the rights of a gender or marginalize the rights of a person who belongs to the underclass. Without Allah's (ﷻ) comforting, evenhanded, and unprejudiced words, man is truly lost; he would not be able to find his way out of this emotional

labyrinth. These instructions regarding the distribution of inheritance are satisfying and comforting — truly a godsend. Here, pertaining to family relations, Allah (ﷻ) teaches man that He knows more about these issues than he does. Man can then realize how unenlightened he really is, **“Your parents or your children: you do not know which ones are more benevolent to you...”**

When this fact filters through all the social engineering and psycho-babble out there, we wake up to our need for Allah (ﷻ). We realize how important it becomes to appreciate the information coming from Him and to comply with it, **“...a regulation from Allah.”** Should anyone be asking more questions here with a view to suggesting that something has been left out, or that justice has not been done? Of course not. Allah (ﷻ) created parents and children, fathers and mothers, brothers and sisters, young and old, infants and seniors. Allah (ﷻ) also allocated sustenance and provided wealth. It is only common sense to accept the fact that it should be Allah (ﷻ) who apportions and governs both emotions and resources. Man does not have the capacity to possess this intimate knowledge, and thus he cannot have the authoritative say-so on these issues. Man even stumbles over his own emotions in trying to figure out who in his own family circle deserves more or less. This simple calculation cannot be done objectively by man. But, nonetheless in the habitually God-denying segment of humanity, there are the secular ones who claim to know what their “national” interest is when they do not even have the qualifications to define “interest” in a family setting. **“Verily, Allah is All-Knowing, Wise.”**

**And you shall inherit one-half of what your wives leave behind, provided they have left no child; but if they have left a child, then you shall have one-quarter of what they leave behind, after [the deduction of] any bequest they may have made, or any debt [they may have incurred] (4:12).**

This means if a wife dies and has no children, her husband inherits half of what was hers. But if she dies and leaves behind one or more

children, male or female, then the husband gets one-fourth. Even the grandchildren will reduce the husband's share from one-half to one-fourth. All this, of course, is done after her bequest and debts are satisfied.

The wife also inherits one-fourth of the deceased husband's inheritance if he dies without any children. But if he has male or female children — one or more, from her or from another marriage — this diminishes her share from one-fourth to one-eighth. Once again, the debt, if there is any, has to be paid off and the bequest, if any, has to be honored. If there are multiple wives — two, three, or four — they all share equally in the one-fourth or one-eighth.

The last portion of this *āyah* has to do with the *kalālah* (non-bloodline qualifiers for inheritance),

**And if a man or a woman has no heir in the direct line of descent, but has a brother or a sister, then each of these two shall inherit one-sixth; but if there are more than two, then they shall share in one-third [of the inheritance], after [the deduction of] any bequest that may have been made, or any debt [that may have been incurred], neither of which was intended to harm [the heirs] (4:12).**

This basically addresses the circle of the deceased's family who are neither in his direct line of inheritance nor subsidiary heirs: the ones who are indirectly related to him. When Abū Bakr was asked about the *kalālah* he said he would answer the question as best as he could, "...the *kalālah* pertains to a person who has no children and no living parents." When 'Umar became the ruler, he commented on this view, saying, "I would not like to disagree with Abū Bakr."<sup>41</sup> This is also what 'Alī ibn Abī Ṭālib, Ibn Mas'ūd, Ibn 'Abbās, Zayd ibn Thābit, al-Sha'bī, al-Nakh'ī, al-Ḥasan al-Baṣrī, Qatādaḥ, and Jābir ibn Zayd expressed. In addition, this is the expressed opinion of the people of Madinah, al-Kūfaḥ, and al-Baṣraḥ. Almost all *faqīhs* and scholars, then and now, seem to concur with this definition, which makes this a consentient point of view.<sup>42</sup>

Taking a closer look at *āyah* 4:12, the phrase “...but has a brother or a sister...” means that the deceased has a half-brother or half-sister from the mother’s side; in other words a maternal half-brother or maternal half-sister. Had the phrase “...but has a brother or a sister...” meant the normal brother and sister or a brother and sister from the father’s side, then the regular inheritance laws at the end of this *sūrah* would apply, meaning that a male would receive twice the share of a female and not the sixth for each, whether they are males or females; therefore, this ruling pertains to maternal siblings. This inheritance is a regulatory one and not a familial one.

**“But if there are more than two, then they shall share in one-third...”** To skip the hairsplitting legalistic details these maternal siblings (more than two) are entitled to share one-third of the inheritance equally. There is though in the *fiqhī* minutiae a ruling that even here the male has two shares as opposed to the female’s one share. The former ruling seems more in conformity with this *āyah* which places a male and a female on an equal par, **“...then each of these two [brother and sister] shall inherit one-sixth.”**

Maternal brothers and sisters are distinctive from other heirs because of the following characteristics,

1. both males and females receive equal inheritance portions;
2. they do not inherit unless the deceased has no direct bloodline heirs. If a deceased person has a father, a grandfather, a child, or a son’s grandchild, then these maternal brothers and sisters are unentitled; and
3. they do not get more than one-third of the inheritance however many, males and females, they may be.

**“After [the deduction of] any bequest that may have been made, or any debt [that may have been incurred], neither of which was intended to harm [the heirs].”** This *āyah* carries in it a word of caution to those who are deceitfully planning their wills or working up their debts. No person may skew a bequest or incur debt to harm the inheritance process. As in the other *āyāt*, remitting a debt is a matter of social justice and thus it must be paid off before fulfilling

the bequest; in other words, the bequest is allocated from the resources and assets that are left over after the debt has been satisfied.

The delicate meanings are finalized with these accomplished words, “[This is] a settlement from Allah — and Allah is All-Knowing, Understanding.” These are instructions the application of which is an act of compliance with Allah (ﷻ). By obeying these instructions we conform to Allah (ﷻ) — and that is the purpose of our lives. These proficient and masterful directives, beside being a facilitator of family affairs, serve to bring people together by motivating them to share in a responsible way portions of their assets and acquisitions. All this did not come from a supreme court or a bench of law. Rather, it came from He who created us all and the only One who is qualified to tell us how to handle our wealth once we pass on to Him. He is the One, the ultimate and definite source of knowledge, who has no desire in preferring one individual over another, or in taking sides in a family affair, or in showing preference for one gender over another, or in excluding someone who harmed another’s feelings. He is the only One who could not possibly be compromised by any of the other intrinsic human features that would make their personal judgments in their own family affairs biased and even prejudiced. With all of this guidance, even systematized to the finest detail, are we willing to listen?

### **Attention to Inheritance Laws Excites Moral Impulses in Man**

The inheritance regulations above broke through a *jāhiliyah* that organized its money acquisition around the “fittest.” This is nothing new; today’s *jāhiliyah* still goes by the same laws. Some countries may not call them laws as the practices of the people may be embedded in customs and cultures. But the bottom line is that money in non-Islamic societies is channeled by regulation or by convention to able-bodied fighting men or cunning minds that prey on society’s wealth. As for women, minors, minorities, the underclasses, and the orphans: tough luck.

As if this were not enough, anti-Islamic societies give fathers and parents the “right” to do whatever they want with their wealth.

They have the artificial “power” of drawing up wills and allocating anything and any amount to whomever they want. There is no sensitive conscience in this way of life that pauses for a moment and asks whether the right thing is being done, or whether some advice ought to be sought about where possessions, property, and belongings are going to go when death occurs. Does the deceased have the unlimited “right” to do with his wealth as he pleases in the form of a written and legal will? Or does the government and state have the “right” to take his assets and wealth? Some of these “family gods” even go to the extent of allocating their wealth to cats and dogs! Against this backdrop where Allah’s (ﷻ) guidance has been rejected by the powers-that-be, even more confusion sets in when some parents have blood children as well as adopted ones; hence when death arrives they write in their wills that they want the adopted children to have the same share as the consanguine children.

This whole entangled affair can lead down many a slippery slope if society does not get its direction from Allah (ﷻ). In matters of inheritance, a child by adoption cannot be equated with a child by birth,

**Never has Allah endowed any man with two hearts in one body, and [just as] He has never made your wives whom you may have declared to be “as unlawful to you as your mothers’ bodies” [truly] your mothers, so too, has He never made your adopted sons [truly] your sons; these are but [figures of] speech uttered by your mouths — whereas Allah speaks the [absolute] truth and it is He alone who can show [you] the right path (33:4).**

Inheritance is a rationale and a function of family relations, **“And to everyone have We appointed heirs to what he may leave behind: parents, and near kinsfolk...” (4:33)**. As is the case in human affairs broad laws have limited exceptions. Inheritance in the process of social reformulation may become the right of social and family fraternity, **“...and those to whom you have pledged**

**your plight: give them, therefore, their share. Behold, Allah is indeed a witness unto everything” (4:33).**

The fact that social developments pertaining to a shared community struggle override contradictory family relations are a testimony to the fact that these regulations here are neither strictly genetic nor tribal or ethnic. At the onset of an Islamic social order in Madinah there was engendered an interlocking fraternity between the Muslims who relocated from Makkah under duress and their social brothers of the Anṣār, the indigenous of Madinah. This strong social bonding between distant people is referred to in Islamic history as the *mu'ākhāh*. And for a short time within this dynamic, this bond of *mu'ākhāh*, allowed non-blood-related people to be heirs in what otherwise would have been inheritance strictly within the family. When, however, that social struggle eased, this *mu'ākhāh* was offset, **“...and they who are [thus] closely related have the highest claim on one another [for inheritance purposes] in Allah's Book” (8:75)**. Inheritance legislation in the Book of Allah (ﷻ) finally settled on three pivots: bloodline descent, marriage, and captives gaining their freedom and joining a family circle.

Because of the gender commotion in the Euro-American sphere of the world and by extension in many other places it becomes necessary to reiterate that in the moral (Islamic) laws of inheritance a man receives twice the amount granted to a woman because a man bears the primary financial burden for the family. The man is responsible for paying the bills, securing an income, obtaining a job, toiling to pay for the family's expenses, and allocating the bride-wealth (*ṣadāq* or *mahr*) to the wife at the time of marriage. In a socially reconstructed Islamic society no woman — be she a daughter, sister, mother, wife, maternal or paternal aunt, etc. — is obliged or expected to spend one penny on anyone. The only time she may find herself responsible for her financial expenses is if she becomes an elderly widow.

Finally, what happens when the children or members of a family are both Muslims and *kāfirs*? What if some children were Muslims and others were non-Muslims or atheists or whatever other persuasion that denies Allah (ﷻ)? The surface meaning of the

*āyah* would suggest that all children are included in the inheritance scheme regardless of their faith or creed. It would include brothers who are committed Muslims and others who are avowed *kāfirs*. But this is what happens when people want to understand the Qur'an in isolation from the Sunnah. The larger picture has more details that delegitimize this ostensible first impression of the *āyah*. There is a well-established and unanimous hadith in which the Prophet (ﷺ) said that a Muslim does not inherit a *kāfir*. This would mean that these inheritance laws are specific to Muslims and do not include those who are contrary to Allah (ﷻ). It also means that Muslims do not inherit *kāfirs* in the same way that *kāfirs* do not inherit Muslims.<sup>43</sup>

Generally speaking there are some conditions that may disqualify a person from inheritance acquisitions. The first one is the case in which a person is a denier of Allah (ﷻ) — a *kāfir*; the second is in the case of a murderer; and the third is if a person is held in captivity.

Another way of succinctly organizing all the inheritance rules is according to fractional proportions:

1. one-half the inheritance goes to: a paternal daughter, a paternal granddaughter, a full sister, a paternal sister, and the spouse when each one of these are the only heirs;
2. one-fourth the inheritance goes to a husband who has a child or to a wife (or wives) when there is no child-heir;
3. one-eighth goes to the wife (or wives) when there are other related heirs;
4. two-thirds is the inheritance share of two or more daughters, a son's daughters, full sisters, or paternal sisters if there are no other related heirs;
5. one-third goes to a mother who has no children or grandchildren in the absence of two or more brothers or sisters; and
6. one-sixth goes to the father and mother of the deceased person, and to the grandfather when there is a male heir to the deceased as is the case when there is a son's son who is an heir. One-sixth is also the share of a grandmother or grandmothers. One-sixth goes to a son's daughters in the presence of their



paternal aunt. A sixth is also the allocation of paternal sisters who qualify with the deceased full-sister. One-sixth goes to a maternal sibling (brother or sister); a maternal sibling disqualifies if there are other immediate members of the family who are heirs.

These inheritance regulations apply to all children, even those who are still embryos. In case a husband dies while his wife is pregnant the inheritance allocation is suspended until she gives birth. If it is a stillbirth (the birth of a dead fetus) then he or she receives no inheritance. But if the baby lives even for a short while it has the right to affect all the above inheritance outlines. If there is a gender related birth deformity the inheritance is determined after the gender is determined. In all the above disposals a man gets more than a woman except in one condition: the inheritance of maternal brothers and sisters, which has already been covered.

Here it must be reconfirmed that all these inheritance ordinances do not go into effect until after all the debts of the deceased are paid off and his bequest has been honored. In the process of liquidating debts and observing bequests the standards and principles of the Qur'an and Islam are not to be breached. The words, "**...neither of which was intended to harm...**," mean that neither the debt nor the bequest should be meant by the deceased to financially injure the heirs. One way of attempting to harm the heirs is to structure the bequest in a way that exceeds one-third the total assets of the deceased, or to bequeath a certain amount to a legitimate heir. Heirs are disqualified from receiving bequests; the overwhelming opinion of Islamic *faqih*s is that a bequest to an heir is illegitimate, and thus void. Even if a deceased person writes a will and allots money to a particular heir that money has to be returned to the inheritance pool. The only time more than one-third the inheritance may become a bequest is if the heirs themselves approve of it. This is because the inheritance assets are a family possession and not a general public trust.

Some enlightened contemporary thinkers, especially those on the conservative end of the spectrum, would pose the argument

that government should not overreach so deeply into peoples' personal lives, and that the Qur'an affixes tight rules and regulations, intruding into personal and family affairs. In response, it should be made clear that any human appraisals of intrusion are shortsighted and erroneous; these instructions from Allah (ﷻ) are meant to harmonize and facilitate human relations. They were not meant to be tools in the hands of a repressive government that wants to weigh down human beings with laws and regulations. And just because citizens of the secular world are fed up with government repression and official dictators that give themselves all manner of rights and licenses, this does not mean that the secular experience is normative to all other people.

In the case of the committed Muslims, especially, they do have the God-given right to organize and alleviate their lives with these much needed directives from Allah (ﷻ), blessed are His adherents. A *kāfir* or a secular populace, in this sense, is no different than a God-conscious one: neither can tolerate heavy-handed authoritarian regimes. Any government that models its program and policies on Allah's (ﷻ) guidance cannot be repressive, dictatorial, or authoritarian. That is why Muslims are more than happy to have the discipline and the organization that come from humanity's Maker. The covenant-bearing Muslims have Allah (ﷻ) in their hearts; and therefore they welcome Him into their families and communities. And they listen when He says,

**These are the bounds set by Allah. And whoever pays heed to Allah and His Apostle, him will He bring to gardens through which running waters flow, therein to abide: and this is a triumph supreme. And whoever renounces Allah and His Apostle and transgresses His bounds, him will He commit to the Fire, therein to abide; and shameful suffering awaits him (4:13–14).**

These social demarcation lines are set by Allah (ﷻ). Each human being is encouraged to take notice. There are consequences for listening and obeying Allah (ﷻ) in the same way that there are

consequences for ignoring and disobeying Him. Falling into line with Allah's (ﷻ) guiding words has its benefits in this immediate life and it also has its "mega-payoffs" in the life that awaits us after we part this world and leave for good. Likewise, arguing with Allah (ﷻ), taking issue with His love and care for man, and then disregarding Him from His right to show human beings how to be better husbands and wives, mothers and fathers, family members, and social brothers — all of this — will end up causing humanity to suffer personal agonies, family breakups, and social disintegration before going on to a life of physical pain and emotional anguish. Where would anyone want to be? In a paradise lavish, luxurious, and lush with running waters and all expressions of joy? Or in a hell-hole of suffering, torment, and blisteringly venomous conditions?

In as much as we live in a highly unsettled world, this is a matter that requires much serious contemplation. Our decisions to involve Allah (ﷻ) in our family life is a natural consequence of embracing Him in our personal life. The whole issue though is a matter of understanding that we humans have a range of freedom: do we want to practice our freedom in the company of Allah (ﷻ) or do we want to do so in the foolish presence of Satan? **"These are the frontiers of Allah..."** If man has created a monster out of socializing his morality through the instrument of governments, he should not assume for one moment that the answer to his problems lies in running away from authority or disregarding organized "religion." In a secular behavioral setup, never can man get a firm grip on how governments become the tools of dictators who separate these governments from human conscience. The rules and regulations covered in this *sūrah* and in this Qur'an are the moral impulse of man in his social environment. A government is supposed to be a developed and organized human conscience. This whole affair got lost and confused when the Euro-American man decided to separate his church from his state. The ensuing cleavage has left not only Europe and America but the rest of the world trespassing Allah's (ﷻ) boundaries and violating Allah's (ﷻ) orders.

All of the above *āyāt* in this *sūrah* amount to a helping hand in managing some of the social problems that man encounters in

his family, community, and social life. They speak about the orphan's God-given rights, about the injunctions pertaining to marriage responsibilities, and then the distribution of the inheritance left behind by the deceased. The family stands out as a formidable societal institution in solving many emotional and financial problems pertinent to abandoned and parentless children, widowed wives, and single parent families. These are the bounds and barriers that are set by Allah (ﷻ); so why do we go about violating these delineations by destroying our own families? Marriage is so weak that there is no curtailing of the divorce rate, even among Muslims living in the secular cultures of North America and Europe. Children no longer feel the warmth, the love, and the attention that should come from within their families, so they run away seeking attention, recognition, and approval from strangers anywhere and everywhere. It is high time for these people who have "jumped Allah's (ﷻ) fence" to come back to His loving care and acknowledge His words of love and the love in His words.

## Legal Protections Frame the Islamic Moral Fabric

- (4:15)      And as for those of your women who become guilty of immoral conduct, call upon four from among you who have witnessed their guilt; and if these bear witness thereto, confine the guilty women to their houses until death takes them away or Allah opens for them a way [through repentance].
- (4:16)      And injure [thus] both men who are guilty [of sexual immorality]; but if they both repent and mend their ways, leave them alone: for, behold, Allah is an Acceptor of repentance, a Dispenser of grace.
- (4:17)      Verily, Allah's acceptance of repentance relates only to those who do evil out of ignorance and then repent before their time runs out; and it is they unto whom Allah will turn again in His mercy — for Allah is All-Knowing, Wise;

وَالَّتِي يَأْتِينَ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاسْتَشْهِدُوا عَلَيْهِنَّ  
 أَرْبَعَةً مِّنْكُمْ فَإِنْ شَهِدُوا فَأَمْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّى  
 يَتَوَقَّهِنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا ﴿١٥﴾ وَالَّذَانِ يَأْتِيَنِهَا  
 مِنْكُمْ فَأَآدُوهُمَا فَإِن تَابَا وَأَصْلَحَا فَأَعْرِضُوا عَنْهُمَا إِنَّ  
 اللَّهَ كَانَ تَوَّابًا رَّحِيمًا ﴿١٦﴾ إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ  
 يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ فَأُولَئِكَ يَتُوبُ اللَّهُ  
 عَلَيْهِمْ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴿١٧﴾ وَلَيْسَتِ التَّوْبَةُ  
 لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ حَتَّى إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ  
 قَالَ إِنِّي تَبْتُ الْكُفْرَ وَلَا الَّذِينَ يَمُوتُونَ وَهُمْ كُفَّارٌ  
 أُولَئِكَ أَعْتَدْنَا لَهُمْ عَذَابًا أَلِيمًا ﴿١٨﴾ يَأْتِيهَا الَّذِينَ ءَامَنُوا  
 لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرْهًا وَلَا تَعْضُلُوهُنَّ لِتَذَهَبُوا  
 بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ وَعَاشِرُوهُنَّ  
 بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ  
 اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾ وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ  
 مَّكَانَ زَوْجٍ وَءَاتَيْتُمْ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ

شَيْئًا أَتَأْخُذُونَهُ، بُهْتَنَّا وَإِنَّمَا مُبِينًا ﴿٢٠﴾ وَكَيْفَ تَأْخُذُونَهُ،  
 وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذَتْ مِنْكُمْ مِيثَاقًا  
 غَلِيظًا ﴿٢١﴾ وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ  
 إِلَّا مَا قَدْ سَلَفَ إِنَّهُ كَانَ فَحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا  
 ﴿٢٢﴾ حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ  
 وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ  
 وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمُ مِنَ الرَّضْعَةِ  
 وَأُمَّهَاتُ نِسَائِكُمْ وَرَبِّبَاتُكُمُ اللَّاتِي فِي حُجُورِكُمْ مِّنْ  
 نِّسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُمْ  
 بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ  
 مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا  
 قَدْ سَلَفَ ۗ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا ﴿٢٣﴾

- (4:18) Whereas repentance shall not be accepted from those who do evil deeds until their dying hour and then say, "Behold, I now repent;" nor from those who die as deniers of the truth: it is these for whom We have readied grievous suffering.

- (4:19) O you who are committed to Allah! It is not lawful for you to [try to] become heirs to your wives [by holding onto them] against their will; and neither shall you keep them under constraint with a view to taking away anything of what you may have given them, unless it be that they have become guilty, in an obvious manner, of immoral conduct. And consort with your wives in a goodly manner; for if you dislike them, it may well be you dislike something that Allah might yet make a source of abundant good.
- (4:20) But if you desire to give up a wife and to take another in her stead, do not take away anything of what you have given the first one, however much it may have been. Would you, perchance, take it away by slandering her and thus committing a manifest sin!
- (4:21) And how could you take it away after you have given yourselves to one another, and she has received a most solemn pledge from you?
- (4:22) And do not marry women whom your fathers have previously married — although what is past is past; this, verily, is a shameful deed, and a hateful thing, and an evil way.
- (4:23) Forbidden to you are your mothers, and your daughters, and your sisters, and your aunts paternal and maternal, and a brother's daughters, and a sister's daughters; and your milk-mothers, and your milk-sisters; and the mothers of your wives; and your step-daughters, who are your foster-children, born of your wives with whom you have consummated your marriage; but if you have not consummated your marriage, you will incur no sin [by marrying their daughters]; and [forbidden to you are] the spouses of the sons who spring from your loins; and [you are forbidden] to have two sisters [as your wives] at one and the same time — but what is past is past. For, behold, Allah is indeed Much-Forgiving, a Dispenser of grace (al-Nisā':15–23).

The *āyāt* preceding these marked out a path through tough emotional family terrain. The Qur'an defined the proper moral relation-

ship between men and women, the responsibility of a moral society to orphans and widows, and the nature of inheritance laws that avert a stockpiling of capital within family circles. All these standards have been described by the Most Merciful and the All-Knowing as demarcation lines; and man is advised in the clear language of this most pertinent Book not to breach these distinct demarcation lines in his community circle and in his family flock. But what should be done when individuals, even in an Islamic society, violate these standards? What mechanisms are available for an Islamic society to preserve and expand its high moral character? In this regard Allah Almighty (ﷻ) helps His moral community — the ones who have made a secure commitment to Him — manage those who do trespass over these defined demarcation lines.

In this case, Allah's (ﷻ) enlightening words refer to the adulterer or adulteress who wilfully and maliciously disparages marriage relations. This is one of the most obscene and objectionable sins that oversteps Allah's (ﷻ) distinct moral "red line."

**And as for those of your women who breach into sexual immorality, call upon four from among you who have witnessed their act; and if these bear witness thereto, confine the guilty women to their houses until death takes them away or Allah opens for them a way [through repentance]. And injure [thus] men who are guilty [of sexual immorality]; but if they both repent and mend their ways, leave them alone. For, behold, Allah is an Acceptor of repentance, a Dispenser of grace (4:15–16).**

This is the first step in correcting the social vice and indecent behavior of promiscuous sexual relations. In a pre-Islamic society guilty of immorality — a society, like today in the "free world," in which adultery and fornication were simply a matter of fact and not deemed objectionable — it was not the harsh punishment of stoning and lashing that was initially prescribed to treat this moral deviation. At the beginning, when Muslims were still building a society parallel to elevating their conscience, a woman who in a court of



law stood guilty of infidelity would incur a verdict of confinement to her home. And in that court of law four witnesses who saw her in the act of adultery or fornication had to testify to the event. The judgment to confine her at home, being denied any permission to leave, was binding until her death. This means that the initial punishment for perfidy and promiscuity was basically house arrest until death. Men who were guilty of the same moral crime were publicly upbraided, scolded, berated, and struck with leather boots. This type of punishment continued until the final legislation came in the *āyāt* of *Sūrah al-Nūr*.

One of the important lessons to note here is the incremental build-up and the gradual phasing-out of immoral acts and deviant behavior in society. Hence, the guidelines here are to sequester promiscuous and sexually unrestrained women from the social contacts that come from access to the public. This is only done when such women are guilty of salacity and bawdiness and the guilt is established in a legal manner.

And as for those men who are perverted and have sexual relations with other men, they should be harmed and injured, **“And injure [thus] men who are guilty [of sexual immorality]...”** This is in reference to homosexual men. At the beginning, when emphasis was placed on reducing the frequency of this degenerate, deviant, and defective sexual relationship these types of homosexual men were to be irritated, injured, and ostracized. The specific type of punishment that would injure them either physically, psychologically, or both is not specified; nor is the time period given for such punishment. This transitory penalization of lewd women as well as miscreant men was eventually overruled by the definitive *āyāt* in *Sūrah al-Nūr*, which settled the punishment in the form of flogging or whipping the sexual offenders — those who have been found guilty of adultery or fornication in a court of law where evidence is presented and evaluated.

At a time when the whole legal system of the Qur'an is under attack by a barrage of agendized accusations, it is worth repeating that any penalties outlined in this merciful Book are applied only after all effort has gone into eliminating the motive and the need

for committing such offenses. In the mature Qur'anic frame of reference, the social atmosphere is cleansed of all serious injustice, institutionalized mistakes, and the official penchant for picking up people just because there is a suspicion or a suggestion of wrongdoing. These are serious penalties; and they cannot be part of a legal system that targets people just because the government officials have power and the government's citizens do not. In an Islamic social reality it is not the power in the hands of the government that gives it the right to apply these divine laws; it is the moral high ground this government has which gives it the right to extend this morality into the rest of society. And if after all other means have been exhausted and the only way to clip vice out of a virtuous society is the application of such laws, then that is what has to be done.

These are procedures that stem from the moral character of an Islamic society. They teach us that people need time to grow, develop, and mature. Laws themselves are part of this process. In the prototypical but dynamic Islamic society of Madinah, which transformed over time an immoral social atmosphere into a moral one, two laws were used to respond to adultery. The first law — when people needed to reform and reshape their lives on a higher moral plateau and thus necessitated the time to expand and rise to that level — required the adulteress to be confined indefinitely to her domicile. And this was done after there were four qualified, sane, and trustworthy witnesses who in a court of law testified to that effect. In and of itself, this is not an easy standard to meet in condemning a person to such an intensified punishment.

The second law (in *Sūrah al-Nūr*) — when the society had reached a high moral station, when the frequency of such lewd behavior was at a minimum, and when the incidence of such an act would severely injure the high moral character of a society that was formed with great pains — resorted to flogging and whipping the offenders.

**And as for those of your women who become guilty of immoral [sexual] behavior, call upon four [eyewitnesses] from among you who have observed their guilt; and**

if these [four] testify [to the act of sexual immorality], confine the guilty women to their dwellings until death takes them away or [until] Allah opens for them a way out (4:15).

Before we succumb to the Islam bashers who do not tire of telling everyone that Islam is a brutal religion, let us syntactically analyze this *āyah*. The above *āyah* is careful and precise in its wording. The women who are included in the *āyah* are “...those of your women.” This means that this legal step is due on women who are within an Islamic atmosphere, an Islamic social order, and an Islamic belonging. They are not just any women. The imperative of this *āyah* cannot be applied to the women of a society void of Qur’anic standards and Islamic values. Any suggestion in that direction is misguided. Even the witnesses have to belong to the same Islamic atmosphere, the same Islamic social order, and the same Islamic brotherly affiliations. In this matter, the testimony of non-Muslims, who do not hold to Islamic moral standards, do not honor Islamic ethical values, and do not live by Islamic chaste principles, is not acceptable in an Islamic court. The testimony of non-Muslim witnesses, who themselves do not accept, honor, or practice the chaste Islamic standard, to which are attached profound Islamic penalties, would never be allowed in an Islamic court. Both the women and the witnesses are required to belong to an Islamic moral reality and a Qur’an-centered life.

The dignity and honor of a Muslim woman, even one who may be accused of adultery, is not as shoddy as to invite any “Joe Blow” to be a witness against her in a court of law. And even if a “Joe Blow” did actually see with his own eyes an act of adultery, he does not qualify to “trigger” the Qur’anic punishment in a court of law when he himself is morally, ethically, and socially tarnished with the same offense and moral crime many times over, and then some. A non-Muslim will never be morally competent to be sincere enough about the womanhood of *muslimāt* (Muslim women).

These eternal meanings give the truth-seeker more perceptiveness in a world that seems to enjoy inflicting psychological

harm on Muslim women. The whole world in the form of its media and governments seems to delight in its assault on Muslim women who observe their modest dress code.<sup>44</sup> In this instance, one is reminded of that event in which Jesus (ﷺ) said to the flock of people who were “religiously” and “legally” hyped up to stone a prostitute to death, “Let him who has not committed adultery cast the first stone.”

**“And if these bear witness thereto, confine the [immoral] women to their living quarters...”** This would mean that they will not be allowed to openly socialize, thereby they will not have the opportunity to trap men with their charms. They will not be able to pursue any type of outdoor and public activity, until death takes them away while they are deprived of social freedom in their homes, or until Allah (ﷻ) opens a way out for them. This would further suggest that there may be a chance for behavior modification as they spend time in the privacy of their homes. It could also mean Allah (ﷻ) may change this confinement penalty with another type of penalty, implying that this is not the final word on such social and sexual deviation, and that there will be a follow-up to this temporary solution. With the *āyāt* revealed in *Sūrah al-Nūr*, the whole issue came to a final solution when the Islamic society had reached its optimum maturation, **“An adulteress and an adulterer each you shall flog one hundred lashes... (24:2).**

There is a viewpoint in the Islamic literature that these two *āyāt*, **“And as for those of your women who become guilty of immoral conduct...”** and **“...punish two men who are guilty of immoral conduct...”** are referring to homosexuality, with the first *āyah* to lesbians (female homosexuals) and the second to male homosexuals.<sup>45</sup> And if this is the case then the punishment for adultery followed the punishment for homosexuals as the Qur’an began to focus on personal, family, and social forms of moral and sexual deviance.

This whole discussion may lead — prematurely — to the final punishment for individuals guilty of adultery, which is outlined in *Sūrah al-Nūr* and in a few hadiths attributed to Allah’s Prophet (ﷺ). And that is flogging and stoning. Flogging is the punishment given to non-married individuals who commit adultery and stoning is the

punishment for married individuals guilty of the same. However, the detailed discussion about this issue will be deferred until those *āyāt* in *Sūrah al-Nūr* are explained.

**“But if they [the adulterers or homosexuals] both repent and mend their ways, leave them alone. For, behold, Allah is an Acceptor of repentance, a Dispenser of grace.”** This is an expression of Allah’s (ﷻ) mercy before man takes to an undue emphasis on legal solutions. If individuals are willing and capable of changing their sinful ways they should be given the opportunity and the circumstances to accede to a better character and moral persona. If these homosexuals are ready, inclined, and prepared to denounce and depart from the sexual deviation of homosexuality, then the Islamic society is ready to help out by all means available. And at this point, also, the society would have to cease from any physical or psychological pressure it had exerted upon them to date.

### **Homosexuality Thrives Where Morality Is Not Socialized**

Legal measures should correspond to moral deviations. In other words, the social forces of society represented by local or extended governmental agencies are expected to match, with certain measures and penalties, the extent to which there is an obvious and palpable moral perversion. In this case, if homosexuals practice their moral deviance in secret, unbeknownst to anyone else, then there is no way a moral government may take them to court and hold them socially responsible for their anonymous sins. But when these homosexuals begin to surface and make their immoral act obvious, at that time it is the moral responsibility of the Islamic government of an Islamic moral society to declare such expression of aberration intolerable and morally objectionable behavior. And similarly, if these homosexuals decide to recant, avoid such flagrant and obnoxious sexual “preference,” and resolve to never again engage in such unnatural sexual acts, then they will find Allah (ﷻ) to be forgiving and merciful.

The door is open for all homosexuals to return to the nature in which Allah (ﷻ) created and sanctioned sexual relations. No

government may have the right to block their decision to alter their lifestyle into one that befits human nature, human procreation, and human compatibility the way Allah (ﷻ) created man to be. In this instance, as in other moral-to-legal instances the government has no business in the choice of its citizens if they decide to regret and repent for homosexual behavior, and then regain their God-given sexual affinity between male and female. An Islamic government does not even have authority to punish those who are surreptitious homosexuals, as they commit their moral violation in secret away from the public eye. But when homosexuals come out into the open and try to “normalize” what is otherwise faulty and defective sexual behavior then the moral consensus and moral authority represented by an Islamic moral government has the license to administer the penalty outlined in the above *āyah*.

It should be reiterated here that the amount and measure of the “harm” dispensed to homosexuals is determined by the better judgment of those who are in positions to legislate the details of this *āyah* as the Islamic society gradually grows and matures. Once an Islamic society is at its moral best the homosexual act, when it can be proven in a court of law, deserves the death penalty. This is understood by the Prophet’s (ﷺ) hadith, “*Whomever you see involved in the social [and sexual] deviation of [Prophet] Lut’s people you should put to death both the active and the receptive [perpetrators].*”<sup>46</sup>

More needs to be said about the topic of homosexuality, especially nowadays when there is a movement of homosexuals who wish to legally mainstream their aberrant and adulterated sexual conduct. Homosexuality is a sexual orientation toward those of the same sex. The word has been used in many different ways, but in the Qur’anic stream of thought it refers to those who actually have committed the sexual act with those of the same sex. There are those who try to scientifically smudge the issue of homosexuality by suggesting that sexual orientation may be determined by genetic inheritance or by the body chemistry of the mother during pregnancy. Others say that psychological, sociological, and other factors play the predominant role in shaping sexual orientation. They extend these arguments to say that adolescents go through a stage

in which they prefer to associate with those of their own sex. And, hence, some people remain in this stage into adulthood. Therefore, according to this line of reasoning, homosexuality is a psychiatric issue. Others fire back that it is rather a moral issue. And still another opinion views homosexuality as having a physical origin that is not yet understood.

There are those who would argue that all conduct, even when the motivations are unconscious, is the result of choice. They say, therefore, that people are ultimately responsible for whatever they do. Such people would try to help those with a homosexual orientation understand that they are not victims of something beyond themselves. Rather, choices they have made in the past, however unconsciously, have brought them to this position. To them these choices can be reviewed and new decisions can be made. Others see homosexuality as an orientation that one is born with or that develops in the first two or three years of life. They would urge society to look at homosexuals in the same way that it looks at all other people — that is, they are individuals created by the same God. Some draw a distinction between practicing homosexuals and those who are inclined toward homosexuality but do not practice it. Still others would distinguish those who are loyal to one other person in a homosexual relationship from those who are homosexually promiscuous. Estimates are that 10% of the population has a homosexual orientation. Thus, proceeding to the logical end of these arguments, most families can be expected to have at least one person with this orientation somewhere in the family structure.

In the Old Testament, the men of Sodom demanded that Lot (ﷺ) bring out his two male guests to them, apparently for sexual purposes.<sup>47</sup> Not realizing that the guests were messengers from God, the men called out, “Bring them out to us that we may know them” (Genesis, 19:5). Here the word *know* is understood by some to mean *having sexual relations*. Two other Old Testament passages speak against a man lying with another man as he would with a woman (Leviticus, 18:22; 20:13).

In the New Testament there appear to be no clear references to homosexuality. However, to infer from this that homosexuality is

a permissible sexual orientation would be wholly misguided because what stands for the New Testament is a product of selective historical accounts approved by the Church hundreds of years after Gospel writers, most of whom were persecuted, put ink to paper. Thus it is not surprising that there is much confusion about homosexuality among Christians today. Some “Christians” denounce only promiscuous practice; others are judgmental toward anyone with a homosexual orientation. And even though the Bible is understood to call people to be morally responsible for one’s whole life, including sexuality, the mental confusion in Judeo-Christian societies is astonishing. And in this regard, one would think that this disarray in Judeo-Christian civilization would lead those who are looking for answers in these societies to consider what the Qur’an and Allah (ﷻ) say about this issue; but as is to be expected, they go about adding more confusion to their disorientation.

The Qur’anic prescription for moral and honorable behavior was elucidated before Islam became an authority and a government in Madinah. Adultery and promiscuous sexual relations were considered inappropriate and illicit even in Makkah as the revelation of *Sūrah al-Isrā’* shows,

**And do not commit adultery, for behold, it is an abomination and an evil way (17:32).**

**Indeed, committed Muslims are auspicious: those who humble themselves in their prayer, and who turn away from all that is frivolous, and who are intent on elevating their inner selves, and who are mindful of their chastity... (23:1–5).**

These and other *āyāt* in the Qur’an were revealed to promote moral rectitude when there was no Islamic government or state. And obviously during those initial and formative years of a community Islam that lacked the protection of “state structures and state agencies” adultery and homosexuality did exist as sexual practices in the culture. But Muslims were not at the level of controlling the trans-



formational levers of state; so they could not do anything about homosexuality or adultery when the larger number of people and virtually all of society were not opposed to deviant, immoral, and undisciplined sexual practices.

Homosexuality and adultery are in the first instance a violation of the divine moral code. In the second instance, they are a social crime. And it becomes the responsibility of an Islamic state once it is founded to help individuals so inclined from expending their sexual impulse in the wrong way. Society also has to be clean and free of such grotesque and obscene behavior as adultery and homosexuality. People can continue to preach against adultery and homosexuality until eternity, but depending on the level of social decay in society, there will always be a current — or even an obvious practice or industry — for both prostitution and gay lifestyles. Preaching and teaching need to be augmented with a social momentum that is capable of publicly repudiating these immoral lifestyles. And still this is not enough. The social momentum has to be organized into a form of government that is capable of representing the popular will: in this case outlawing prostitution and same-sex marriages. There can be no Islamic *dīn* without this necessary progression from moral convictions to social commitment to governmental administration. This patterned advance and onward motion becomes the Islamic *dīn*.

When homosexuality and adultery are renounced by the moral conscience of the people the process has to take a step forward and gain its popular consensus. Society as a whole needs to express its aversion and opposition to same-sex cohabitation and to extramarital sexual affairs. Once the individual's strong belief is joined with society's judgment of conviction, then it is up to a representative government to place this "value" into a legal framework by taking corrective measures against those who violate this moral harmony by trying to legalize prostitution or to legitimize homosexuality. And it is this legal framework that is the subject of these *āyāt*.

This encapsulates the history of prophets, apostles, and messengers (ﷺ) who were not content with stating a moral value and leaving the scene; they wanted to develop a responsible attitude

that binds moral values to social practice and cohesion, they wanted to rearrange social priorities through the will of their own people, and then they wanted their people to adjudicate deviation with a legal system that springs from their moral code. And both the moral code and the legal system were the subject matter of all scriptures that were revealed by Allah (ﷻ) to all these prophets (ﷺ) throughout the ages and centuries.

And this is how Muhammad (ﷺ) and the Qur'an transformed the society in Madinah. The moral and social priorities that were advocated by the Muslims in Makkah were rejected when Makkah virtually exiled all the Muslims. These "stateless" Muslims came to Madinah where they found a social consensus to support the Prophet (ﷺ) — a social consensus that overwhelmingly endorsed the newly revealed Scripture (the Qur'an), out of which emerged the first Islamic state authority.

Society, even for those people who are averse to scriptural standards, has to be purged of sexual profligacy and foolhardiness. Knowing what we know today, no one should show any leniency in combating the vices and perversion that arise from a sexually perverse society. One of the first manifestations of a society in decline is its sexual salaciousness and indecency. As was the case with previous civilizations and as is the case in the preponderant Western civilization of today, sexual unfaithfulness is a sure sign of moral decline and social deterioration. To complicate matters even more, this sexual "permissiveness" is presented with an air of acceptability because it is a form of "personal freedom." And so if any moral argument is presented against adultery and prostitution it is immediately dismissed as either outdated or fanatical. The problem of our time is that there is a connivance of sorts between the lax moral code of individuals and the "discretionary" legal system to which these individuals belong. And, once again, if there is not a strong conscience to restrain and discipline the sexual urge and drive, then no dictatorial government — even one in the name of God — will be able to fill in for that absent conscience.

When a convergence of convenience develops between the absence of morality and positive (man-made) legality, then the

floodgates of sexual chaos are opened, much as we witness today in the sexually directionless and hedonistic West. Moral decay rationalizes its economic advantages, especially with prostitution being regarded as a resilient economic activity that has to be studied, organized, and ultimately regulated. In places it may be carried out despite some social disapproval and legal restrictions. Pimps, prostitutes, and people who pay for sex find no real barriers in the theoretical or “religious” opposition to such trades. Even the health hazards of homosexuality and prostitution are overlooked because of the forces of the market. A similar understanding applies to pornography, which continues to rapidly expand even as there are disapproving laws on the books and a post-feminist cultural ethic that displays a social aversion to female degradation.

Beyond pornography and prostitution, sexuality today is freely used to help sell a wide range of products. For commodities such as clothes, the connection with sexuality is evident. For others, such as cars, it is profitable. The connection between sex and chewing gum is, however, less obvious, but if the pleasure of utilizing this product is associated, even parenthetically, with a more fulfilling relationship (sexual) experience, then the objective of selling more of it would have been achieved. But in a secular and godless world that is equally obsessed with sex and money, the conjunction of the two is inevitable and inescapable. The pharmaceutical business has also been successful at making money out of enhancing sexual performance, as sales of Viagra show.<sup>48</sup> Viagra has been prescribed to over 17 million men worldwide.

A close observation of this sexual bedlam turns out a fact that not many people dwell on: the correlation between objectionable sexual conduct and the frailty of the family. In time, society itself begins to fall into decay. In this topsy-turvy world of secular and commercialized human behavior, moral decency is out and immorality is in. The change that this Qur’an intends to make ranges from correcting human feelings all the way to correcting human legislating. And along this course all commercial, financial, and economic interests are going to have to take a back seat, for a while at least, until this mess is sorted out.

The bare fact is that civilizations grow and thrive when their individuals are quality people, when their families are closely-knit, and when their societies are disciplined and responsible. But when these elements fall apart the civilization itself comes crumbling down. Civilizations cannot be sustained by factories or production. There are human beings who run the factories and who labor for production. Once these human beings malfunction the civilization itself breaks up and crashes. However, dying civilizations do not simply dwell in the domain of deviant individuals here and there. Indeed, there are socializing institutions — the media, commercial interests, and militaries — that are responsible for a demoralization of society. These are the real criminals that have to be identified in light of these penetrating words from Allah (ﷻ).

An important corollary of these *āyāt* above is that limitation on a person's freedom or incarceration is not done in a jail or a prison. If a person is to be "locked up," as the conventional parlance describes today's methods, then in an Islamic society he would be confined to his own home. Even in the modernity of contemporary "free" society, there still is no legal system that abolishes jailhouses and detention centers, and substitutes for them house arrest. Heavenly instructions did not allow for the commercialization of penalties or the hoarding of human beings in mass detention centers or "correctional" facilities.

### **Repentance Is Accepted When Man Sincerely Shows Regret**

This *dīn* of Islam is not a *dīn* of wrath, anger, punishment, and the sword as many have said and will continue to say. The spirit of this compassionate Book is one of accommodating human nature and welcoming those who identify their faults and recognize their mistakes, and then consequently insist on parting with such behavior. An Islamic society opens its hands and heart to all members who are sincerely willing to become part of its moral fabric. They are always accepted gladly if they are honestly in tandem with Allah (ﷻ). Allah (ﷻ) has reiterated many times over in the divine Script, as well as in the person of His Messenger (ﷺ), that He owes

them His imminent forgiveness when they owe Him their genuine apology. He will honor His part provided that we, as conforming subjects, honor ours,

**Verily, Allah's acceptance of repentance relates only to those who do what is wrong out of ignorance and then repent before their time runs out; and it is they unto whom Allah will turn again in His mercy — for Allah is All-Knowing, Wise. Whereas repentance shall not be accepted from those who do what is wrong and then at the time of their death say, "Behold, I now repent;" nor from those who die as deniers of Allah: it is these for whom We have readied grievous suffering (4:17–18).**

In *āyah* 4:16, repentance was accepted from those who, after going sexually astray, change their sexual behavior to no longer conflict with the sexual norm and nature in which human beings are cast — the spontaneous and standard attraction of both sexes toward each other and its fulfillment through marriage and wedlock. In the course of speaking about repentance these follow-up *āyāt* speak more to the condition and the timing of repentance.

Allah (ﷻ) takes it upon Himself as a matter of kindness and compassion to actualize this remission of man's sin if the sin itself (homosexuality or adultery) was committed while the perpetrator was in a state of ignorance or lack of knowledge and education. It is possible that the transgressor may have been oblivious of the fact that it is a violation of Allah's (ﷻ) moral code; he or she may not have been aware of the terrible consequences in human relations, not to mention the terrible health repercussions associated with this wayward conduct. Still, if these unenlightened or instinct-over-intellect types show a determination, after committing these sins, to withdraw from and abandon such immoral behavior, realizing that they did it under the influence of Shayṭān and an "irresistible urge;" and if they express their sincere and honest determination to give up this sinful behavior and offer an appeal to Allah (ﷻ) to pardon them anytime before they reach the dying

moments of life, then they should feel comfortable that Allah (ﷻ) will accept from them their true intentions and sincere purpose.

Individuals who are involved in homosexuality and adultery cannot use the excuse of ignorance of the fact that homosexuality and adultery intrinsically are moral failings. A Muslim for sure — as unschooled as he might be — would know these two sexual behaviors to be sinful, wrong, and unacceptable. Pleading ignorance in this context can only mean the power of irrational impulse over the power of rational persuasion. The irrational impulse wants the immediate satisfaction found within a moment's excitement and arousal and the rational persuasion seeks the delayed compensation of exhilaration and stimulation that lasts forever.

Forgiveness is due from Allah (ﷻ) when humans concede this first condition: they were overcome by an immediate self-gratification impulse and could not wait in obedience to Allah (ﷻ) for eternal gratification. The other condition for acquiring forgiveness is that man should ask Allah (ﷻ) for remission of sin within a reasonably short time. All attempts and efforts by man to ask Allah (ﷻ) for forgiveness should be done before the mortal human meets with the angel of death. This is not an open license for men to delay their plea of forgiveness from Allah (ﷻ); it is meant to say to man that, unbeknownst to him death can occur at any moment, and that time has not run out for him to ask Allah (ﷻ) to forgive him. Allah's (ﷻ) forgiveness is only beyond reach when he has reached the last minutes of life and has encountered the angel of death.

There are those who in a sense are addicted to sin. They show no willingness to break from their habitual sinful conduct and they spend all their lives, including the very last minutes, hooked on sinful behavior such as adultery and same-sex cohabitation. These are the ones who have excluded themselves from this open-door forgiveness offered by Allah (ﷻ) to His sincere subjects. Allah (ﷻ) knows us better than we know ourselves. Thus, it follows that He knows human nature very well and that His wisdom accommodates man's behavioral defects and his moments of weakness if he turns to Allah (ﷻ), making a profound commitment to change whatever nefarious demeanor he may have been guilty of.

Allah (ﷻ) then turns to those who disqualify themselves from repentance. They do the wrong thing and keep on doing it until they die; and when death looks them in the face they say, **“But now I repent!”** These people did not leave for themselves the time-period that is required to prove they are sincere to what they say. If a person sheds a deviant behavior by words, he should be able to prove himself by deeds. But these types are not concerned with proving that their acts are commensurate with their words. They want an easy way out. So they conveniently confess to their bad behavior and ask Allah (ﷻ) for forgiveness the moment they come in contact with the angel of death. And this is not acceptable. There are parallel occasions in the Qur’an that substantiate this fact, **“But their commitment [to Allah] after they had beheld Our punishment could not possibly benefit them...”** 40:85. The same is applicable to the Pharaoh when he came face to face with death,

...and when he was about to drown, [Pharaoh] exclaimed, **“I have come to believe that there is no deity save Him in whom the Children of Israel believe, and I am of those who yield themselves unto Him!”** [But Allah said], **“Now? When ever before this you had been rebelling [against Us], and had been among those who spread corruption?”** (10:90–91).

It is too late to ask for a heavenly pardon when a person is succumbing to death as the following *āyah* further illustrates,

[As for those who will not commit to a life-to-come, they go on lying to themselves] until, when death approaches any of them, he prays, **“O my Sustainer! Let me return, let me return [back to life], so that I might act righteously in whatever I have failed [afore-time]!”** No, it is indeed but a [meaningless] word that he utters... (23:99–100).

Those who die in a state of mind that denies Allah (ﷻ) do not qualify to receive His amnesty and forgiveness. This would mean that a *kāfir* (God-denier) cannot become committed to Allah (ﷻ) in his final moments on earth. This is inadequate; he had plenty of time to do so before this last minute on earth. Making an abiding commitment at this point has no practical meaning. And it is the practical meaning that Allah (ﷻ) registers. Just as in a competitive sporting event, if one team makes a commitment to win in the final seconds, then the game has already been lost. This also strongly suggests that in the life to come the *kāfirs* may not have access to a remission of their sins. They will suffer horrible consequences in the life to come for their misconduct with Allah (ﷻ) in this life. They did it to themselves. Allah (ﷻ) will hold them accountable for what they did in this worldly existence. It was their perverse sexual behavior, which they could not discipline, that counted — a behavior they insisted upon until the very last instant of life.

The perception of repentance is to be liberally found among both Christians and Jews, most frequently in Protestant evangelicals. It is expressed in the Old Testament by the word *turn* — that is, *turn* from all else in order to *turn* to God,

...*turn* ye, *turn* ye from your evil ways; for why will ye die,  
O house of Israel? (Ezekiel, 33:11; *return* in Hosea 2:7;  
Micah, 7:17).

The word *repent* is generally avoided in modern Judaism. Considered in its broadest meaning, *repentance*, whether the word is used or not, is a significant part of many living world religions, especially when better ways of life are shown and people are encouraged to choose these ways as opposed to others.

Jesus' (ﷺ) parable of the prodigal (wastefully extravagant) son (Luke, 15:11–32) gives graphic symbols of repentance and non-repentance. The younger son repented and returned to find his father waiting to restore him to the family. The elder son did not leave home but fostered such an unforgiving and unsympathetic



spirit that he was kept from a harmonious relationship with his family. John the Baptist's (ﷺ) preaching and baptism centered on repentance (Matthew, 3:8, 11; Mark, 1:4; Luke, 3:8). Jesus' (ﷺ) public preaching began with a call to his hearers to repent (Matthew, 11:17; Mark, 1:15; Luke, 5:32; 15:7; 24:47). The early church continued calling people to repent (Acts, 2:3, 8; 3:19; 17:30; 26:20), using the baptism of repentance (Acts, 13:24; 19:4) to indicate "that all should reach repentance" (2 Peter, 3:9). The Book of Revelation made clear the consequences of non-repentance while sounding the call to repent (Revelation, 2:5, 16; 3:3). Christians do not regard repentance as an end in and of itself. Rather, it is a requisite for positive belief. Jesus' (ﷺ) first preaching was, "Repent, and believe in the gospel" (Mark, 1:15).

As for the final scripture, the Qur'an, all its adherents are of the conviction that repentance is an obligation upon all committed Muslims. This is quite explicitly stated, **"And [always], O you who are committed to Allah — all of you — turn unto Allah in repentance, so that you might be productive! (24:31).** The following *āyāt* are presented to all those who impute blame on Islam for being a "vengeful religion and a vindictive creed,"

**Do they not know that it is Allah alone who can accept the repentance of His subjects and He is the [true] recipient of whatever is offered for His sake... (9:104).**

**Yet withal, behold, I forgive all sins unto any who repents and commits himself [to Me] and does righteous deeds, and thereafter keeps to the right path (20:82).**

**And it is He who accepts repentance from His subjects, and pardons bad deeds, and knows all that you do... (42:25).**

Thus, repentance is a cornerstone belief in a Muslim's life; never is he to despair from Allah (ﷻ) accepting such reciprocity when he feels regret for misbehaving in the presence of Allah (ﷻ).

Repentance springs from deeply felt emotions of regret for being contrary to Allah (ﷻ). This repentance, though, has to be expressed within a time frame that permits a person to prove he is committed to a new behavior; that is, repentance is valid as long as a person is not in the throes of death. Once a person expresses his honest and genuine regret for his impropriety in front of Allah (ﷻ) and makes amends, he should feel confident that Allah (ﷻ) will most likely accept his repentance. By understanding this he also understands that Allah (ﷻ) is not a rancorous and vengeful deity. He is not out to get vulnerable human beings, weak mortals, and sin-prone individuals who want to be forgiven for their weaknesses, vulnerabilities, and sins.

Likewise, the justice of Allah (ﷻ) does not permit a blind amnesty to all human beings including those who promote evil, campaign for sin, and encourage an immoral lifestyle. As much as Allah (ﷻ) wants to forgive these types He will not do so if they sponsor, take a firm stand, and structure sinful behavior in their own lives and in the lives of people around them, **“Whereas repentance shall not be accepted from those who demonstrate evil [in their behavior]...”** Repentance cannot be dispensed, also, to those who spend their whole lives in active denial of Allah (ﷻ), **“...nor from those who die denying [the power of] Allah...”**

Fair enough. For those who want to be amnestied and pardoned by honestly and honorably confessing to their sins, turning to Allah (ﷻ), abandoning their old ways, and initiating a new phase in their lives, these are the types who can expect Allah (ﷻ) to excuse and pardon them. But for those who have made up their mind and spend all their lives violating Allah’s (ﷻ) moral standards and offending Allah’s (ﷻ) guidance, they are in for a miserable and dreadful life to come, **“...it is these for whom We have set up afflictive anguish.”**

### Qur'anic Imperatives Free Women from Perpetual Victimhood

The next suite of *āyāt* addresses the status of women. Before syntactically analyzing these *āyāt* it would be timely to comment on the status of women in society from a general point of view. To begin with, it would be no revelation to say that women in society thousands of years ago, hundreds of years ago, yesterday, today, and probably into the foreseeable future are victims. In the Arabian society sandwiched between a host of “civilizations” — the Persian, the Roman, the Egyptian, and the Greek — women were mistreated. They had no human or natural rights; even the right to live had to be approved by men. Compared to men, women were virtually zero on any scale. Sometimes they were considered more as a commodity than as a human being; and thus to many people, then (and now), women were sex objects. They fulfilled man’s sexual impulse and life moved on. Women were also considered to be something exotic, while also being a repository for evil or evil spirits. Not surprisingly, women were prime characters in poetry, which was woven around their charms, attraction, beauty, mystique, personal magnetism, and seduction.

In a world that was so cruel to women it was the immutable words of this abiding Book that honored women, placing them in their rightful position of being on a reciprocal par with men. It was the human condition of yielding to Allah (ﷻ) that broke the social chains imposed on women of all societies. If society in an Islamic social order is dependent on a strong family structure, the family structure itself is dependent upon a vibrant and high-spirited wife and mother. This much is apparent from the opening *āyah* in the *sūrah*, **“Who has created you from one living entity, and from it created its counterpart, and from them He spread forth many men and women...”** When a woman is equal, free, and self-assertive she is able to nurture the delicate feelings and the versatile emotions that cement a family together. In this ample atmosphere she is respected instead of being “owned” like any other item, property, or sexual fixture. Marriage with reciprocal equality honors both husband and wife as it becomes more than a limited sexual relationship. In this marital equivalence both wife and husband

exchange love, tender feelings, and strong positive emotions of respect and affection. This compelling bond will be able to withstand the jolts of life. Listen to Allah's (ﷻ) emancipating words,

**O you who are committed to Allah! It is not lawful for you to [try to] become heirs to your wives [by holding onto them] against their will; and neither shall you keep them under constraint with a view to taking away anything of what you may have given them, unless it be that they have become guilty, in an obvious manner, of immoral conduct. And live together with your wives in what is self-evidently convivial; for if you dislike them, it may well be you dislike something that Allah might yet make a source of abundant fortune.**

But if you desire to give up a wife and take another in her stead, do not take away anything of what you have given the first one, however much it may have been. Would you, perchance, take it away by slandering her and thus committing a manifest sin! And how could you take it away after you have given yourselves to one another, and she has received a most solemn assurance from you?

And do not marry women whom your fathers have previously married — although what is past is past. This, verily, is a shameful deed, and a hateful thing, and an evil way (4:19–22).

One way in which women were abused in the Arabian society, before this liberating Book was revealed, was to make a widow, whose husband had just died, the property of her in-laws. They would treat her as they would treat their animals or slaves. If any of the deceased husband's male relatives wanted to marry her, he had the right to do so and she had no parallel right to refuse. Furthermore, if they wanted to sell her to another person who wanted to marry her they could also do that. Thus, much like buying and selling an article of commerce, they would also confiscate her bride-

wealth (dowry). As if this level of humiliation was not enough, if these relatives of her dead husband wanted to confine her to the home and restrict her freedom of movement they would also be entitled to do just that. She would have to remain, at the whims of her husband's relatives, without a spouse, locked up at home, for the rest of her life. The only way out was for her to pay a ransom to earn her freedom.

In some instances, a widow who had just lost her husband, would have to endure a tradition in which the deceased's next of kin would place his garment over her to indicate that she now belonged to him. She would virtually become his booty. If, in his eyes, she was beautiful enough to marry, he would do that; but if, in his eyes, she was ugly, he would have the "right" to deprive her of freedom until she died. And upon her death, he would inherit her wealth. Those widows who were either independently wealthy or had come from a family of wealth could find a way out of this oppressive setup by paying a ransom to purchase their freedom. The only other option available to a widow of modest means was for her to break loose and escape to her parents or relatives before a mantle was cast upon her, and by the norms of society at that time, she was considered to have gained freedom from control of her deceased husband's kin.

At other times a husband could divorce his wife, further stipulating that she may not marry anyone else until she "buys herself back" by paying him an amount of money, which would amount to some or all the money the husband had spent on her during their years of marriage. In other social expressions of female victimhood, a widowed woman would be confined in the presence of a young boy who would marry her once he reached the age of adolescence.

And beyond the mistreatment of widows, the oppression of women took many other forms. In one of them a man would take custody of an orphaned girl and then restrict her to his quarters. She would not be allowed to decide for herself who her potential marriage partner would be. The custodian would wait until his underage son would reach a marriageable age and then have him marry the orphan girl so that her inheritance would now belong to him.

All these demonstrations of ill-treatment, oppression, and abuse run diametrically counter to the substance of this liberating Book, which considers each gender to be the other's similitude and twin. This shameful treatment of women degrades and humiliates both men and women. It amounts to nothing more than a commercial and bestial linkage.

This emancipating Qur'an honors the equality of the sexes while recognizing the peculiarities that make both of them mutual and complementary at the same time. Allah (ﷻ) has indeed honored the descendants of Adam and Eve (ﷺ), both male and female; He has raised them above many of His creation. It is this Qur'an and nothing else to which women owe the strides that have been made to raise their status so that they are no longer perceived as inferior to men. However this does not mean that Muslims who are affiliated with this Qur'an are always living up to its standards. In our time, there are certainly those traditional or formal Muslims who still oppress and cheapen their women.

As much as this would sound odd to say nowadays — especially when “Muslims” are in some cases the worst example of what Islam really is — it was this Qur'an that began the historical movement of equal honor and equal value between the sexes. It is here and throughout this Qur'an that clear orders tell men they are not allowed to inherit women as they would inherit possessions and items. Women, these *āyāt* say, cannot be detained in their homes by men so that the financial or sexual desires of men are fulfilled. The only time women may be restricted to “house arrest” is when they are guilty of adultery or homosexuality. As briefly described earlier, the application of this rehabilitative measure or its counterpart — the lashing of adulterers — is determined by the moral level of an Islamic society and its degree of ethical development.

The Qur'an has rendered unto women their responsible liberty and their trusting freedom of choice when it comes to choosing their husbands. It is their selection that counts when they are virgins and want to get married and when they are widows and want to remarry. A woman has a God-given right to choose her life-companion whether she is a virgin or a post-virgin, whether it is her

first husband or her succeeding husband. Men are ordered here to feel obligated to ensure that their wives enjoy congenial and close-knit relationships in a companionable family atmosphere. Even at times when a husband may feel detached from his wife he is advised — per these matter-of-fact Qur'anic words — to maintain a well-meaning and friendly relationship with her. But if the feelings of intimacy and common bonds begin to fail the husband is still reminded that even though he may develop feelings of dislike for his wife, these feelings may be contrary to his benefit and may work to his disadvantage. This would be another way of helping a husband surmount his errant feelings by focusing more on his family ties and responsibilities, which can only be honored when he is on good and agreeable terms with his wife. In a sense, it is one restraint among others placed upon a husband so that he may not summarily opt for divorce when he “feels like it.”

**O you who are committed to Allah! It is not right for you to [try to] become heirs to your wives [by holding onto them] against their will; and neither shall you keep them under constraint with a view to taking away anything of what you may have given them, unless it be that they have become guilty, in an obvious manner, of immoral conduct. And live harmoniously with your wives in [an atmosphere of] common good; for if you [husbands] dislike them [your wives], it may well be you dislike something that Allah might yet make a source of ample prosperity (4:19).**

These penetrating words should make us think of how Allah (ﷻ) wants a family to be and how the “patricentric” among us have eclipsed the dignity and honor of women in their families as well as their societies. No marriage conducted within the domain of Qur'anic principles is simply predisposed to a husband's whim. No husband is given the open license to divorce whenever he wants, or to cavalierly marry another wife (whenever there is eligibility and qualification for such a marriage) as if his first wife does

not exist. These *āyāt* make it abundantly clear that a marriage does not bounce around on the undisciplined impulses of the husband; a marriage cannot be considered a straw in the emotional winds of the married man. This marriage is and ought to be located in a man's relationship with his Sustainer. All the meanings of honor, dignity, grace, and self-respect that are cast into the husband's relationship with his wife are the ones he expresses fealty to with his own Sustainer.

A family in a social ambiance that yields to Allah (ﷻ) is a nucleus of respite, recess, refuge, and repose. And what makes this possible is a relationship between husband and wife that is characterized by love, goodwill, closeness, and acquaintanceship. And all these features are possible only when husband and wife — both together — choose each other in an atmosphere of freedom unburdened by others' impositions. When a husband chooses his wife and when a wife chooses her husband they will both have a better chance to echo themselves in each other's lives than would have been the case had their mutual choice been appropriated by others. This freedom of choice in selecting a lifelong mate goes a long way in enriching the marriage with love, reciprocity, and mutual understanding.

These timely words of the Qur'an that are addressed to husbands should be etched in their minds, **"...for if you feel distaste for them [your wives], it may well be you distaste something that Allah might yet make a source of plentiful prosperity."** A bold understanding of this sentence would suggest that it amounts to taming the husband's impetuous nature that would want to break the marriage up just because he feels an aversion of sorts toward his wife. An indirect meaning of this *āyah* is that there is a tendency in some men to brush aside or cold-shoulder the solemn and grave institution that results from becoming husband and wife. This marital tie cannot be undone by a transient or episodic disfavor of the wife by the husband. The marital bond has to be stronger than short-lived feelings of displeasure or "lost love." More often than not, there is more at stake than a simple husband to wife relationship: a whole family and the families on both sides of the marriage who are concerned with the well-being of their party in the mar-



riage. Men, at times unprotected from shifting feelings and simultaneously having the physical power to make a change, are prone to exercise that power in a trigger-happy way (not unlike governments with power). But they, if they are listening to Allah (ﷻ), cannot allow unstable feelings to destroy a marriage and potentially a family.

How can anyone who sincerely reads this Qur'an and its history recoil and accuse it of being in favor of men over women? There is so much nonsense about how Islam oppresses women — all the accusations having no justification whatsoever in Allah's (ﷻ) open Book. These same quarters who cast their rubbish against this Scripture go to the extent of building a case for “love.” And when called to validate their meaning of *love*, it turns out to be *lust*. Under the rubric of love, they conceal a lust that wants to justify whimsical divorces and on-demand annulments of marriages. Some of them in the name of this fleeting kind of “love” justify a spouse cheating on his or her counterpart. They say, “But what if a wife does not love her husband; and what if a husband no longer loves his wife?” The secular materialistic civilization that spreads its destructive images around the world is concerned with “love” in its lustfulness. Their indulgence in the carnal and sensual aspect of love has rendered them devoid of love's enrichment, especially insomuch as it carries with it the virtues of responsibility, nobility, sympathy, sensitivity, and longanimity (patient endurance of hardship such as a terminal illness).

Love is more than obsession with sexual arousal and self-indulgent sexual desire. The humans who are born and raised in a secular and God-denying society of vulgar materialism may lose touch with the warmth and fondness that are integral to true love. And so it is no surprise that when they hear Allah (ﷻ) say, “**And if you husbands disincline toward them [your wives] it may be you disincline a matter and it is precisely that matter [your wives] that is the reason for copious goodness,**” they are nonplused. Materialism has taken its toll on their hearts and emotions. Love itself has been physically commoditized. A husband may not know that turning away from a wife who does not dazzle him the way she did the day

they got married is like turning away from overflowing prosperity. It is this relationship of knowledge and insight with Allah (ﷻ) that gives love its necessary components of assuredness, refinement, and dexterity in the relationship between husband and wife.

However, if a genuine malfunction in the husband-wife relationship still lingers after both have tried their best to fulfill these meanings, and after a time period lapses in which they both realize they can no longer share their love, then it is permissible for them to terminate the marital relationship. When normal husband and wife interactions fail, when more patience is simply not enough, when each one suspects the other, when each one is no longer able to understand the other, and when feelings of mutual reciprocity no longer count as the relationship has lapsed into an acrimonious stage, then this means that a solution within marriage is no longer an option. So, at this point, undoing the marriage and preparing the unhappy couple to look for new spouses is recommended. And in this circumstance, the divorced wife is entitled to her bride-wealth (dowry); she is also entitled to her inheritance rights. A husband has no right to appropriate or confiscate any of what is legally and morally hers, **“But if you desire to substitute a spouse and take another one instead, do not take away anything of what you have given the first one, however much it may have been...”** (4:20).

A man who is, first and foremost, in a relationship with Allah (ﷻ) cannot deny his divorced wife’s rights by seizing what is rightfully hers. He may have had an excuse to terminate his marriage, but he has none in annulling his relationship with his Sustainer. Here, Allah (ﷻ) queries the husband who owes his wife her entitlement, **“And how could you take it [the wife’s entitlement] away after you have given yourselves to one another, and she has received a most solemn pledge from you [the husband]?”** (4:21).

The wording of this *āyāh* presents an opportunity for us to pause and carefully consider Allah’s (ﷻ) words, **“...after you have given yourselves to one another...”** This means that husbands and wives have given all they possess to one another, and have subsumed their individual identities into a new joint, more complete identity. A man does not only give his body and bank account to

his wife in marriage; he also gives her his heart, his feelings, his passion, his sympathy, and his warm emotions. He gives her his secrets, his privacy, his concealment, and his confidence — his soul and his spirit as it were. All that went into their matrimonial life with its nights and days was a shared portion. Their marriage was the reservoir of their memories and sentiments. Every smile, every wink, every laugh, and every giggle belonged to both of them. They shared hopes and expectations; they shared disappointments and frustrations. Their marriage brought life into existence: they had common children who were part of both of them. With all of this psychological and emotional “investment” grounded in mercy and love, how is it possible for a husband — who has a more consequential relationship with Allah (ﷻ) than his wife — to demand from his wife what is legally and ethically hers? Materialism has obviously overwhelmed a man’s psyche when he feels that a few dollars will placate a parochial conscience incapable of recognizing how both he and his wife were bonded together in many more ways than just the financial. A husband who nullifies his relationship with his wife cannot void his relationship with Allah (ﷻ). Therefore, he should be willing and happy to give his wife what is due to her, no questions asked.

**“...And she [the wife] has received a most solemn pledge [of fidelity and faithfulness] from you [the husband].”** This is in reference to the *nikāḥ* (divinely sanctioned matrimony). It was not done in the name of love alone. In fact, it was done in the name of Allah (ﷻ), in fulfillment of His teachings, and in cognizance of His control of social and family affairs. A conscientious committed Muslim can never take this affair lightly.

Finally, the discourse vigorously prohibits men from marrying their fathers’ wives. In times past, before this Qur’an was revealed, tradition permitted men to marry the widowed or divorced wives of their fathers. One of the reasons for confining a widow after her husband’s death was to “save” her for the father’s son once he grew up. She was not the son’s mother; rather she was his stepmother, and pre-Qur’anic Arabian tribal traditions and clan customs permitted the son to marry his widowed or divorced stepmother. In

some instances this was considered inheritance: a son inherited his stepmother by marrying her. With this *āyah*, the Qur'an ended the practice, **“And do not marry women whom your fathers have previously married, although what is past is past; this, verily, is a shameful deed, and a hateful thing, and an evil way.”**

This type of marriage for reasons we know, for reasons we may not yet know, and for reasons we may never know is abominable and illegal. From a human-relations point of view a stepmother is more like a mother; from a psychological point of view a son should never rival his father in blood relationship. A wife's second husband — in the nature of things — tends to harbor rancorous feelings for her first husband; and in this scenario it would be a psychological conflict of emotions as a son, due to such a marriage, would begin to detest or even hate his father when he should love and cherish him. At another level this illicit relationship wreaks havoc on the code of inheritance. In a family setting what is the husband/son considered to be? Is he the son before the marriage, or is he the husband after the marriage? Or is he both? Such an awkward situation is exceedingly demeaning to all the other members of the family, and thus, **“...this, indeed, is a dishonorable deed, and an awful thing, and an evil way.”**

### **What Is the Meaning of the Social Taboo Called *Incest*?**

The following *āyāt* specify impermissible marriage (sexual) relationships between certain women who are related to their men either by blood or by kinship through a marriage. On such a subject, it should be borne in mind that these *āyāt* were and are guiding mankind because human nature needs as much guidance on this issue as it can get. For this reason, the words and their meanings are defining boundaries that will shape this human nature to be the best that it can be,

**Prohibited to you [in marriage] are your mothers, and your daughters, and your sisters, and your aunts — paternal and maternal — and a brother's daughters,**

and a sister's daughters; and your surrogate mothers who breast-fed you, and your surrogate sisters who breast-fed from the same mother; and the mothers of your wives; and your step-daughters — who are your foster children — born of your wives with whom you have consummated your marriage; but if you have not consummated your marriage, you will incur no sin [by marrying their daughters]; and [prohibited to you are] the spouses of the sons who have sprung from your loins; and [you are prohibited] from having two sisters [in wedlock] at one and the same time. But what is past [of any such infractions] is past: for, behold, Allah is indeed Much-Forgiving, a Dispenser of grace (4:23).

Human nature needs to be informed, guided, and sometimes corrected. And when it comes to this issue of sexual attraction, intentions of marriage, and the consummation of the matrimonial bond, no standard can possibly be ascertained from human practice and historical experience. If our sexual inclinations are not brought into line with the thoroughgoing and straightforward course of action toward Allah (ﷻ) we will allow ourselves to suffer pitfalls, and ultimately to fall into sin.

Who is the one to inform us with authority, knowledge, wisdom, and love about those we are permitted to marry and those we are not? Is it left up to our own instincts — we the human beings who live in Antarctica and in the tropical areas as well as in the arid deserts and on the breezy seacoasts? We sexual humans rage with hormonal bursts during our adolescent years; and we men often throughout our lives find it difficult to control our urges of infatuation; and we women become anxious to respond to our deepest call of nature. But are we left to our own whims and lusts to fulfill this urge? Or do we have any confident and disciplining information that will help us make the right decision when we decide to couple ourselves with our “significant others?”

These scriptural words from Allah (ﷻ) — the All-Knowing, the Wise, and the Dispenser of grace — offer us a light down this

avenue of life that is filled with distractions, deviations, and despicability. The above categories of women identified in *āyah* 4:23 are off limits to their male relatives because such marriages if they take place are considered tantamount to incest. And in the social absence of these Qur'anic guidelines, incest and its prohibition or avoidance become closely bound to cultural, racial, and pseudo-religious phenomena that are further burdened by the hedonistic proclivities of the wealthy and powerful.

To Biblical Jews and Christians incest is sexual intercourse between close relatives or those considered related within degrees wherein marriage is prohibited by law or custom. The Old Testament prohibitions against incest are outlined in Leviticus 18 and 20, though they frequently occur elsewhere as individual stories.<sup>49</sup> The Lord instructed Moses (ﷺ) that his people would not be following the marriage practices they had experienced in Egypt and Canaan. And thus for example, a man was forbidden to have intercourse with his mother, another wife of his father, a sister, the daughter of his father or mother, a granddaughter, an aunt, a niece, a daughter-in-law, a mother-in-law, or a sister-in-law. One penalty, in this case from God, was that both members of the incestuous couple would be forever childless (Leviticus, 20:21); another punishment for incest was death by fire to all involved if a man slept with both a woman and her mother.

Genesis, 10:31–35 tells how the daughters of Prophet Lot (ﷺ) got their father drunk and after sleeping with him bore sons who founded the tribes of the Moabites and the Ammonites. Genesis, 20:12 records that Abraham (ﷺ) said that his wife Sarah was a half sister. Amnon raped his beautiful half-sister Tamar (2 Samuel, 13:7–14) even though she argued that their mutual father, King David, would give her to Amnon if asked.<sup>50</sup> In the Old Testament period a king often inherited his father's harem.

In the New Testament, Paul advises that a man who married his father's wife (1 Corinthians, 5) be cast out of the congregation so that both parties would not lose their souls. In the early European Middle Ages the taboo against incest forbade marriage between people related to the seventh degree (seventh cousins, for

example) or even those in the seventh degree of relationship as godparents or godchildren.

In social science circles, incest, usually defined as sexual relations between members of the same nuclear family, has merely been assumed to be a natural inclination of humanity — a propensity that needs to be proscribed by explicit social rules. This is the ongoing drift in post-scriptural secular societies. The essentially psychological explanation of incest, and its implicit assumptions about human nature, were exemplified by Sigmund Freud's *Totem and Taboo: Resemblances Between the Mental Lives of Savages and Neurotics*.<sup>51</sup> In this influential essay, set against the imagery of primate society and human origins as then conceived in a “secularly robust Europe,” Freud drew a stark contrast between nature and culture: the chaotic impulses of the former are denied and controlled by the latter. Indeed, as some would understand this Judeo-Christian rationalist safari of the mind, the establishment of a rule prohibiting incest creates the conditions for human culture as “nature transcends itself.”

But the evidence for such a proposition about human sexual impulses was merely assumed, reflecting a deep-seated aspect of Judeo-Christian cosmology (metaphysics) rather than detailed knowledge of the God-given differences between human and non-human primate societies.<sup>52</sup> Eventual studies of these non-human primate social systems demonstrated the very opposite pattern, since inbreeding is strictly avoided by other primates.<sup>53</sup> Thus, if incest is not a feature of our animal nature as previously supposed, its existence has gone unaccounted for in any secular theoretical treatment of the subject.

In contrast to a mere set of assumptions, some explanation for the existence of the incest prohibition in human societies has been offered by many major figures in the history of social sciences within the Judeo-Christian context. Some social scientists suggested in sound Darwinian fashion, that the recognition of the reproductive advantages of outbreeding eventually became apparent to primitive societies and as such, it was a good illustration of natural selection at work. Others argued that “savage” tribes had the alternative

between “marrying out” or “being killed out.” In this instance, the social advantages of forging alliances was recognized and institutionalized by early humans.

In some form or another these arguments continue to hold sway in mainstream contemporary secular social sciences. As a result, it is commonplace in sociological circles to note that the incest prohibition effectively excludes potentially disruptive sexual competition among nuclear family members. In addition, it had been argued as a corollary that the prohibition eliminates the role confusion that would result from reproduction by members of the same nuclear family, such as father/daughter or mother/son mating. The result is that children are reared in a relatively harmonious and orderly social setting. In time each family member will seek reproductive partners outside the family, presumably from cooperative social units. Thus, as some would imply, this process, set in motion by the incest prohibition, ensures that society itself will come into existence and be continually reproduced with every new generation.

There is no denying that the incest prohibition has the eventual positive outcomes suggested by these arguments. Contemporary genetics indicates that nuclear family inbreeding has deleterious effects on offspring as a group, expressed in the form of higher morbidity, that is, congenital illnesses and higher mortality rates. As a consequence, an inbreeding group would have difficulty in maintaining a viable population over time.<sup>54</sup> These sociological commentaries are equally perceptive in pointing to the positive results of exogamy (marrying outside a particular social group), since nuclear family sexual competition and role confusion would be dysfunctional, while larger related social units are socially beneficial for all concerned. Yet, their functional arguments have serious flaws in attempting to account for the origin of the incest prohibition and rules of exogamy.

First and foremost is their teleological nature.<sup>55</sup> In effect these lines of reasoning assume that the functions of the incest taboo are the original cause of this prohibition. Even though these functions may emerge, there are no logical reasons to assume, for example, that the prevention of inbreeding or the creation of alliances are



actually the reason for the incest prohibition. These responses may merely be the unintended consequences of the custom. Furthermore, these functional arguments all implicitly assume that the incest prohibition was at some point in time created by human beings in recognition of its benefits. Again, there is no evidence from the anthropological or historical secular record to assume that this is the case. Finally, with regard to the deed itself, the incidence of human incestuous behavior is no reason to conclude that our species is naturally inclined to engage in it.

The existence of what we would characterize as an incest taboo for other primate species — they all outbreed — suggests that human beings have not in fact created this arrangement, and therefore, no consequences — biological, psychological, or sociological — were intended. In the secular, *kāfir* conceptualization of human sexual behavior, humans are said to have evolved with the outbreeding pattern and then created the rule against incest as social reinforcement for the behavior somewhere along their more recent historical path. However, the sporadic occurrence of incest indicates the human ability to engage in such behavior but not as the result of natural forces, for these apparently encourage the very opposite.

In the secular and God-denying minds of social scientists the incest-avoidance argument was originally proposed in the late-19th century by the Finnish moral philosopher and early anthropologist Edvard Westermarck.<sup>56</sup> He argued that human beings were naturally attracted to unfamiliar potential sexual objects, normally those outside the nuclear family. In other words, Westermarck suggested that, like other species, we avoid incest. This “familiarity breeds contempt” argument was ridiculed by his contemporaries with the sensible rejoinder: if this were the case, why do all societies have an explicit rule against incest? Westermarck himself was unable to provide a satisfactory response to this objection at the time. However, more recent sociological and anthropological investigations reveal that some societies lack the proscription, indicating that incest can indeed be avoided as he suggested. Moreover, subsequent ethnographic studies from China, the Muslim East (Middle East), and kibbutzim in occupied Palestine suggest that children raised together

from early infancy, even if they are not siblings, make for unappealing sexual and, if eventuated by social pressure, unsatisfactory marriage partners. These data have provided renewed interest in and support for the incest-avoidance hypothesis.

Finally, inbreeding is also unintentionally avoided among other primates and mammals in general, usually by transfer out of the natal (relating to and accompanying birth) group by either males or females in search of more exotic sexual partners. Controlled laboratory experiments also demonstrate captive animals' preference for mates other than those with whom they were raised. Significantly, those given no option but to mate with both familiar and close genetic sexual partners fail to reproduce at a rate necessary for continued survival of the group.<sup>57</sup> Thus, purely from the secular point of behavioral observations, it appears from the relevant evidence that, for a variety of biological and psychosocial reasons, incest is not an attractive sexual alternative for any species, including our own. However, the question remains in some secular minds: if incest is not a natural human inclination, why does it exist? Some answered this question by looking at the realm of human culture rather than nature.

This type of confusion is what happens to social scientists, anthropologists, ethicists, historians, and other behavioral scientists who are trying to look at human nature, human beings, and human history without the light, the information, and the facts that come from Allah (ﷻ). Inbreeding and incest are defined and described in these three *āyāt*, 4:22–24. Some sexual relationships are taboo, banned, and illegitimate eternally; and others are so transiently. Mating proscriptions regarding closely related individuals may be attributable to blood relationships or to the fact that individuals were breast-fed from the same lactating surrogate mother; another prohibiting reason for such intimate mating is intermarriage relationships.

Outside of these perimeters there are no grounds for marriage restrictions as will soon be clarified. This being the case though, there have been, and still are, many cultures, societies, and communities that could never define who constitutes an inbreed and who

constitutes an outbreed. The issue of marriage in some societies, modern as well as ancient, gains its priorities from racial considerations, tribal preferences, and ethnic inclinations. There may be couples who are barred from marrying each other because they belong to two different races; and there are couples who may be forbidden to marry because they come from two different classes of people, one from a poor family and the other from a rich one. Furthermore, there are even some laws in certain nation-states that will not permit citizens to marry non-citizens; and if they do get married they will lose their civic equality. None of these social practices have any justification in the final Scripture.

We, who hold the Qur'an as our reference point, have the final and authentic word on this whole issue. Thank Allah (ﷻ) for sparing us the above argumentation and quasi-nonsense about sexual intercourse between close relatives. Secular social scientists everywhere stand accused for not having the mental clarity and the psychological disambiguation to open this unobstructed Qur'an and listen to what Allah (ﷻ) has to say about this issue. Muslims though, should have no such drawbacks. Here is what Allah (ﷻ) does say. Men are not allowed to marry:

1. into their own ascending origins – this would mean a man cannot marry his mother, grandmother, great grandmother, etc. (paternal and maternal), **“Forbidden [in marriage] to you are your mothers...”**
2. into their descending progeny – this would mean a man cannot marry his daughters or granddaughters from sons and daughters alike all the way down the blood line, **“...and [forbidden in marriage are] your daughters...”**
3. into their descent and extraction of his own parents all the way down the blood line – thus, a man shall not marry his sister, his nieces, his grand-nieces, etc., **“...and [forbidden in marriage are] your sisters...”**
4. into their grandparents' bloodline – this would mean he can neither marry his paternal or maternal aunt, nor his father's or mother's aunt, and nor his grandfather's or grandmother's aunt (both maternal and paternal), **“...and [forbidden in marriage**

are] **your aunts: paternal and maternal...**” But the indirect bloodline of grandparents such as cousins are admissible in marriage; thus children of paternal uncles and aunts are permissible, and so are children of maternal uncles and aunts.

Prohibitions due to marital relations or in-law status are:

1. a man may not marry into his wife’s bloodline as far up as that may go – that means a husband may not marry his wife’s mother, his wife’s paternal or maternal grandmother or great grandmother, etc., **“...and [forbidden to you in marriage are] the mothers of your wives...”**
2. a man may not marry into his wife’s (blood) descending relatives all the way down the line – thus a husband may not marry his step-daughter (his wife’s daughter from another marriage). He may not marry any of his wife’s granddaughters (from another marriage), **“...and your step-daughters — who are your foster children — born of your wives with whom you have consummated your marriage; but if you have not consummated your marriage, you will incur no sin [by marrying their daughters]...”**
3. a man may not marry his father’s wife or his (paternal or maternal) grandfather’s wives all the way up the bloodline – therefore, a man cannot marry his stepmother or step-grandmother or step-great-grandmother, etc., **“...and do not marry wives who are or have been married to your fathers [grandfathers, etc.]...”**
4. a man may not marry his son’s wives, or his grandson’s wives, all the way down the grand-descendent line – thus a father cannot marry his own flesh-and-blood son’s wife, or the wife of his own bloodline grandson, or the wife of his daughter’s son or grandson, etc., **“...and [forbidden in marriage to you are] the spouses of the sons who have sprung from your loins.”** This puts an end to some customs at that time (which may also be found in other societies and cultures in our time) when a man was prohibited from marrying his adopted son’s wife if there was a divorce between them. The *āyah* in effect is saying that

an adopted son is not like a bloodline son; only the wife of a bloodline son is unlawful. Adopted sons should also have the surnames or family names of their real fathers and not of their foster parents, per the instructions in *Sūrah al-Aḥzāb*.

5. a man may not marry his wife's sister – this though is an impermanent or temporary prohibition. This is in effect as long as his wife is alive and in her husband's *'iṣmah* (marital bond). The explicit marital prohibition prevents a man from permanently and simultaneously being married to two sisters, **“... and [forbidden to you is the marriage that] conjoins two sisters in wedlock [to you] at one and the same time — your past practice [of such matrimony] are excused.”** Pre-Islamic Arabian *jāhiliyah* sanctioned such marriages, but after the revelation of Islamic principles in the Qur'an, such a marriage was forbidden.

Finally, breast-fed babies are considered siblings due to the fact that they lactated from the same breast. Thus they are not permissible for each other as marriage partners. The breast-fed category breaks down as follows:

1. a man may not marry the surrogate mother who breast-fed him when he was a baby – her bloodline mothers and daughters are also forbidden in marriage, **“...and [forbidden to you in marriage are] your foster-mothers who breast-fed you...”**
2. a man may not marry his breast-feeding wife's daughters and their descending bloodline – thus a husband's wife's sucklings are unlawful to him in marriage as long as his wife is in his marital bond and she breast-feeds such daughters while she is in his marital union.
3. a man may not marry his breast-fed sister – a female baby and a male baby who shared lactation from a common nursing mother are considered suckling brother and sister. No marriage in this case is permissible; and this applies to their children as well, meaning that the man cannot marry his suckling sister's daughters or granddaughters, **“...and [forbidden to you in marriage are] your suckling sisters...”**

4. a paternal and maternal aunt through breast-feeding is unlawful for marriage – a maternal aunt is the breast-feeding foster mother's sister and a paternal aunt is the breast-feeding foster mother's husband's sister.
5. a man may not marry his wife's breast-feeding foster mother as well as her ascending bloodline – this applies to the one who breast-fed his wife when she was an infant.
6. a man may not marry his wife's breast-fed daughter (these are not her blood-daughters) – this means that infants who were breast-fed by his wife before they were married are tantamount to daughters and thus are unlawful for marriage. Their daughters all the way down the bloodline are also unlawful.
7. a man may not marry his surrogate father's or grandfather's wife who breast-fed him when he was an infant – a surrogate father's breast-feeding wife is the one who suckled the infant while being his surrogate father's wife and not the son's blood-mother; and in this case the son cannot marry this surrogate father's fellow-wife (*ḍurrah*) or wives either.
8. a man may not marry into his foster breast-feeding mother's son's bloodline in all its descending bloodline order.
9. a man cannot be married to his wife and her suckling sister at the same time; or to her paternal or maternal aunts who are her aunts by virtue of being lactated from the same foster mother; or any other woman who shared the same lactating breast.

The above marital prohibitions are included in the *āyah* above and in the Prophet's (ﷺ) hadith, “*Infants who are breast-fed from the same foster mother gain the tier of siblings.*”<sup>58</sup>

As is the case in primitive societies, instincts and the sexual drive may be undisciplined. In the Arabian *jāhiliyah*, there were such instances even as the Qur'anic societal reconstruction was being institutionalized. It is said that the *āyah*, “**And do not marry women whom your fathers have previously married...**” was to correct deviant human behavior. Instances of this include Ḥiṣn ibn Abī Qays marrying his father's widow Kubayshaḥ bint Ma'n; as did al-Aswad ibn Khalaf and Ṣafwān ibn Umayyah ibn Khalaf who

married Fākhītaḥ bint al-Aswad ibn 'Abd al-Muṭṭalib. Another such incident concerns Manṣūr ibn Māzin who married his father's widow, Mulaykaḥ bint Khārijah.<sup>59</sup>

For those who think that women were relegated to a back seat in these affairs, consider the following episode, which shows that women were not socially smothered in those days. A man by the name of Abū Qays ibn al-Aslat, who was known among the Anṣār for his virtues, died. Then his son, Qays, proposed to his father's widow, Umm 'Ubayd bint Ḍamraḥ, for marriage, but she told him, "I consider you to be like a son of mine; I will go to Allah's Apostle and talk to him about this so that he may give us some direction on this matter." Then she went and explained the issue to the Prophet (ﷺ). And in this social climate of uncertainty Allah (ﷻ) revealed this *āyah*.<sup>60</sup>

Preceding this Allah (ﷻ) drafted for man information about marriage in the context of caring for orphans, and the number of widows permissible in marriage to see to it that justice is done to widows, wives, orphans, and husbands. Within that context, Allah (ﷻ), out of His love and mercy for his subjects, told husbands to be gentle, caring, and forthcoming in their relationships with their wives. He cautioned men not to devour women's financial rights. And here, Allah (ﷻ) follows that up by telling them about women who cannot be considered as potential marriage (sexual) partners, either because of their common pool of blood and genes, or because of inter-marriage into another family, or because of breast-feeding.

These *āyāt* put to rest all the speculations, observations, and social science commotion about inbreeding, incest, and intra-marriage. We Muslims have much to be thankful for when Allah (ﷻ) provided us with correct, precise, and definitive information regarding this matter. The biblical affiliates of the Muslims are still discombobulated when it comes to this issue that deals with human nature, human sexual deviations, and human instinct. The followers of the Bible or purported followers of what is left of the Bible are on shaky grounds as they try to come to terms with the nature of sexual relations. Muslims who understand this issue in light of these illuminating *āyāt* can take an enlightened view on their confusion.

There were no further details as to why these incestuous relationships were banned from on high. However, some pertinent observations throughout the generations of human history may help to corroborate the divine proscription. One of these apperceptive observations is that customary marriage among relatives begins to take its health toll on succeeding generations; health begins to diminish, it appears, from unremitting inter-family marriages, exhibiting as congenital birth defects or other life-threatening physiological conditions. Conversely, it also seems that trans-family marriages make for a healthier gene pool from which to procreate.

It also seems that intra-family marriages not only “poison” the genetic pool but they also pollute and acidify family relations. Marriage in a sense is meant to extend family relations but when marriage takes place within a family it contracts these relations, leading to a disharmonious family emotional chemistry.

Sex in the nuclear family or among those who are close kin is not an issue that can be satisfactorily ascertained by human beings, despite all the collective experience, knowledge, or technology they have or will acquire. This is an issue that is positioned deep down in the crevices of human nature. And only Allah (ﷻ) who created and fashioned our desires and inclinations is able to speak with authority about this whole affair, which He has done in the *āyāt* above if only we choose to listen and obey.

Today as we fix our minds in this scriptural atmosphere and its divine origin we are bombarded on the outside, in our social milieu, with people who still are incapable of defining what marriage means. There is a tug of war between those who want to legalize homosexual marriages and those who want to define marriage as a union between males and females. They are taking their intellectual gear toward the secular courts to settle this argument. They will choose to settle it without any reference to an infallible scripture and a perfect deity; and in the process they will make the deadly mistakes that in their cumulative effect will bring down civilization. As they toss the matter around like a football between the courts and legislatures, it will come to pass that a “majority” opinion will want “same-sex marriages.”<sup>61</sup> That majority opinion does



not make it right for such marriages to be legal when Allah (ﷻ) has declared them to be wrong. If a majority opinion comes out and says lying is an acceptable social norm, that does not make lying the right thing to do. It is up to Allah (ﷻ), and Him alone, to tell man what is right and what is wrong. And it is He who designates certain behaviors as worthy and others as unworthy. So there can be no government, no power establishment, and not even a full-blown civilization that will ever be able to substitute for Allah (ﷻ) in this regard.

In the heat of this sexual perversion and gender disorientation it appears that no one wants to refer this whole issue to Allah (ﷻ). The “Jews” and the “Christians” bounce back and forth between scriptural uncertainty and secular determinism. They lack confidence in their holy books not only because these are only a faint representation of what they were, but also because they think their scientific discoveries and research are enough to deliver them from incertitude. Meanwhile, life goes on, and people want answers. And the fact is that they will only find them in this Qur’an of truth and security, **“For, behold, Allah is indeed Much-Forgiving, a Dispenser of grace.”**

## Marriage Does Not Displace Responsibility from Love

This splendid Qur’an — and only this splendid Qur’an — can take such a wide range of closely related issues and weave them into an integral whole that spans the spectrum from personal and individual instincts, to family and sexual ties, to community and social dynamics, to challenges intended and unintended, to the realization of life and death. All this occurs in a way that only Allah (ﷻ) can present,

- (4:24) **And [forbidden to you are] all married women other than those who are in your family emotional-security circle [due to the dislocation of war]: this is Allah’s ordinance,**

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللَّهِ  
 عَلَيْكُمْ وَأُحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ  
 غَيْرَ مُسْفِحِينَ ۚ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ  
 فَرِيضَةً وَلَا جُنَاحَ عَلَيْكُمْ فِي مَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ  
 الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿٢٤﴾ وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ  
 طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَا مَلَكَتْ  
 أَيْمَانُكُمْ مِنْ فَنِيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ  
 مِنْ بَعْضٍ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أُجُورَهُنَّ  
 بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسْفِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ۚ  
 فَإِذَا أَحْصِنَّ فَإِنْ أَتَيْنَ بِفَحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى  
 الْمُحْصَنَاتِ مِنَ الْعَذَابِ ۚ ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ ۚ  
 وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ ﴿٢٥﴾ يُرِيدُ اللَّهُ  
 لِيُبَيِّنَ لَكُمْ وَيَهْدِيَكُمْ سُنَنَ الَّذِينَ مِنْ قَبْلِكُمْ وَيَتُوبَ  
 عَلَيْكُمْ ۚ وَاللَّهُ عَلَيْهِ حَكِيمٌ ﴿٢٦﴾ وَاللَّهُ يُرِيدُ أَنْ يَتُوبَ عَلَيْكُمْ  
 وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ الشَّهَوَاتِ أَنْ تَمِيلُوا مَيْلًا عَظِيمًا ﴿٢٧﴾

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ<sup>٢٨</sup> وَخُلِقَ الْإِنْسَانُ ضَعِيفًا ۖ يَتَأَيَّهَا  
الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا  
أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ  
اللَّهَ كَانَ بِكُمْ رَحِيمًا ۖ ۞ ٢٩ ۖ وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا  
فَسَوْفَ نُصَلِّيه نَارًا ۚ وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا ۖ ۞ ٣٠ ۖ إِنْ  
تَجْتَنِبُوا كَبَائِرَ مَا نُهَوْنَ عَنْهُ نَكُفِّرْ عَنْكُمْ سَيِّئَاتِكُمْ  
وَنُدْخِلْكُمْ مَدْخَلًا كَرِيمًا ۖ ۞ ٣١ ۖ وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ  
بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِلرِّجَالِ نَصِيبٌ مِمَّا اكْتَسَبُوا  
وَلِلنِّسَاءِ نَصِيبٌ مِمَّا اكْتَسَبْنَ وَسَأَلُوا اللَّهَ مِنْ فَضْلِهِ ۗ إِنَّ اللَّهَ  
كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ۖ ۞ ٣٢ ۖ وَلِكُلِّ جَعَلْنَا مَوْلَىٰ  
مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ ۚ وَالَّذِينَ عَقَدَتْ أَيْمَنُكُمْ  
فَعَاثُوهُمْ نَصِيبُهُمْ ۚ إِنَّ اللَّهَ كَانَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا  
ۖ ۞ ٣٣ ۖ الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى  
بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنِينَتُهُ  
حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَاللَّي تَخَافُونَ نُشُوزَهُنَّ

فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَصَاحِعِ وَأَصْرِبُوهُنَّ فَإِنَّ  
 أَطْعَمَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَكِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا  
 كَبِيرًا ﴿٣٤﴾ وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ  
 أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا  
 إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿٣٥﴾

binding upon you. But lawful to you are all [women] beyond these, for you to seek out, offering them of your possessions, taking them in honest wedlock, and not in fornication. And unto those with whom you desire to enjoy marriage, you shall give the bride-wealth due to them; but you will incur no sin if, after [agreeing upon] this lawful due, you freely agree with one another upon anything [else]: behold, Allah is indeed All-Knowing, Wise.

- (4:25) And as for those of you who, owing to circumstances, are not in a position to marry free women committed to Allah, [let them marry] ladies committed to Allah who are within [a man's] family emotional-security environ. And Allah knows all about your commitment; each one of you is an issue of the other. Marry them, then, with their kin's permission, and give them their bride-wealth in an equitable manner — they being women who give themselves in honest wedlock, not in fornication, nor as secret love-companions. And when they are married, and thereafter become guilty of immoral conduct, they shall be liable to half the penalty to which free married women are liable. This [permission to marry insecure ladies applies] to those of you who fear stumbling into evil. But it is for your own good to persevere in

patience [and to abstain from such marriages]: and Allah is Much-Forgiving, a Dispenser of grace.

- (4:26) Allah wants to make [all this] clear to you, and to guide you to the [righteous] ways of life of those who preceded you, and to turn to you in His mercy: for Allah is All-Knowing, Wise.
- (4:27) And Allah wants to turn to you in His mercy, whereas those who follow [only] their own lusts want you to drift far away from the right path.
- (4:28) Allah wants to lighten your burdens — for man has been created in a state of vulnerability.
- (4:29) O you who are firmly committed to Allah! Do not devour one another's possessions wrongfully — not even by way of trade based on mutual agreement — and do not destroy one another: for, behold, Allah is indeed a Dispenser of grace unto you!
- (4:30) And as for him who does this with malicious intent and will to do wrong, him shall We, in time, cause to endure [suffering through] fire — for this is indeed easy for Allah.
- (4:31) If you avoid the great sins which you have been ordered to shun, We shall efface your [minor] bad deeds, and shall cause you to enter an abode of glory.
- (4:32) Hence, do not covet the bounties that Allah has bestowed more abundantly on some of you than on others. Men shall have a benefit from what they earn, and women shall have a benefit from what they earn. Ask, therefore, Allah [to give you] out of His bounty: behold, Allah has indeed full knowledge of everything.
- (4:33) And unto everyone have We appointed heirs to what he may leave behind: parents, and near kinsfolk, and those to whom you have pledged your loyalty; give them, therefore, their share. Behold, Allah is indeed a witness unto everything.
- (4:34) Men shall take full care of women with the bounties that Allah has bestowed more abundantly on the former than on the latter, and with what they may spend out of their

possessions. And the righteous women are the truly devout ones, who guard the intimacy that Allah has [ordained to be] guaranteed. And as for those women whose ill-will you have reason to fear, admonish them [first]; then leave them alone in bed; then jolt them; and if thereupon they pay you heed, do not seek to harm them. Behold, Allah is indeed Most High, Great!

- (4:35) And if you have reason to fear that a breach might occur between a [married] couple, appoint an arbiter from among his people and an arbiter from among her people; if they both want to set things aright, Allah may bring about their reconciliation. Behold, Allah is indeed All-Knowing, Aware (al-Nisā':24–35).

Continuing with the subject matter of the previous *āyāt*, these *āyāt* go a step further in constructing, consolidating, and conceiving a family that yields to Allah (ﷻ) while doing His will. All along, there is nothing in these *āyāt* or about these *āyāt* that conflicts with our God-given human nature. It takes strong families to streamline compelling societies. If families begin to break up, societies begin to break down.

Sexual relationships within social organizations such as communities and extended families and men's understanding of their restrictions, inhibitions, and limitations will open up a wholesome and promising integration of human relations when men understand their inclinations as well as disinclinations toward women. Men of God should know that they cannot be left to their instincts alone. When this cohesive understanding takes root in our approach to each other we can then rest assured that we will have the families that conform to Allah (ﷻ). And only then shall we be secure in societies that are stable. Through all this understanding and wisdom that comes only from Allah (ﷻ) we learn He is not asking us to refrain from something that is impossible. Rather, all this is stated for the betterment of our personal, family, and social lives.

The disciplining of family life finds an extension into an organization of some financial matters. Men and women both share

a common responsibility in arranging their financial affairs. Money is accumulated via certain channels and it is dissipated via others. No man or woman in a family relationship should feel that he or she has some type of detached responsibility in acquiring or dispersing the family's income. The movement of money along family lines needs light from above; we emotional humans are apt to be biased in these affairs if we are left to our individual reasoning or our best assumptions.

In molding a family cooperative, or in fashioning social linkages, or in adjusting sexual affiliations, a disciple of this Book of confidence realizes that all these instructions come from Allah (ﷻ) as a matter of love and kindness toward the weak humans He has abiding mercy upon. We should, by now, realize that we are in need of Him. This need of ours is another expression of our humanness and His divinity. He is superior to us — naturally — so we listen to Him and obey. This “tuning in to Allah (ﷻ)” becomes a demonstration of our acknowledgment of His dominant and ascendant stature.

We then understand that He — alone — is the ultimate knowledge and He — only — is the source of wisdom. As much information or data as we may have collected, we still stand in an urgent need of His words and His warranty. No human social scientist or academic committee or think tank can provide us with the kind of accurate information about our own human nature that Allah (ﷻ) can and does. Man courts his own demise when he chooses to ignore what Allah (ﷻ) is saying. With all the historical mistakes that were committed by many ancient civilizations and bygone empires it seems like humanity is once again back to square one: we think we know more about ourselves than our Creator; and we behave “with authority” only to wind up, due to our own mistakes, with the wreckage of our modernities and technologies.

Will we never understand that Allah (ﷻ) cares for us more than we care for our own selves? Can we not ever understand that unrestricted freedom, undisciplined liberty, and irresponsible allowance — as “good” as they may make a person “feel” in the heat of the moment — will inevitably trigger the corruption of a civi-

lization? The more we realize the values of this Qur'an the more we regret that humanity is not assuming the universal responsibilities laid out therein. But more often than not, humanity itself may find instant satisfaction in its desertion of its Creator and Maker!

### Categories of Women that Men Can Legitimately Marry

And [forbidden to you are] all married women other than those who are in your household care [due to the dislocation of war]: this is Allah's ordinance, binding upon you. But lawful to you are all [women] beyond these, for you to seek out, offering them of your possessions, taking them in honest wedlock, and not in fornication. And unto those with whom you desire to enjoy marriage, you shall give the bride-wealth due to them; but you will incur no sin if, after [agreeing upon] this lawful due, you freely agree with one another upon anything [else]: behold, Allah is indeed All-Knowing, Wise.

And as for those of you who, owing to circumstances, are not in a position to marry free women committed to Allah, [let them marry] ladies committed to Allah who are within [a man's] protective care. And Allah knows all about your commitment; each one of you is an issue of the other. Marry them, then, with their kin's permission, and give them their bride-wealth in an equitable manner — they being women who give themselves in honest wedlock, not in fornication, nor as secret love-companions. And when they are married, and thereafter become guilty of immoral conduct, they shall be liable to half the penalty to which free married women are liable.

This [permission to marry insecure ladies applies] to those of you who fear stumbling into evil. But it is for your own good to persevere in patience [and to abstain



from such marriages]: and Allah is Much-Forgiving, a Dispenser of grace.

Allah wants to make [all this] clear to you, and to guide you to the [righteous] ways of life of those who preceded you, and to turn to you in His mercy: for Allah is All-Knowing, Wise. And Allah wants to turn to you in His mercy, whereas those who follow [only] their own lusts want you to drift far away from the right path. Allah wants to lighten your burdens — for man has been created in a state of vulnerability (4:24–28).

In the previous lesson Allah (ﷻ) advised men of women who are unlawful to them in marriage because of their bloodline or their genetic affinity with them,

And do not marry women whom your fathers have previously married — although what is past is past; this, verily, is an immoral deed, and a disagreeable thing, and an evil way. Forbidden to you are your mothers, and your daughters, and your sisters, and your aunts — paternal and maternal — and a brother's daughters, and a sister's daughters; and your nursing mothers, and your milk-sisters; and the mothers of your wives; and your step-daughters — who are your foster-children — born of your wives with whom you have consummated your marriage; but if you have not consummated your marriage, you will incur no sin [by marrying their daughters].

And [forbidden to you are] the spouses of the sons who have sprung from your loins; and [you are forbidden] to have two sisters [as your wives] at one and the same time, but what is past is past: for, behold, Allah is indeed Much-Forgiving, a Dispenser of grace (4:22–23).

To follow up on these women who are not permissible for men to marry because of intrinsic blood and marital relationships, He

says, “**And [forbidden to you are] all married women...**” Married women are in a matrimonial bond with their husbands and therefore are not candidates for marriage with other men. The word *muḥṣanāt* literally means *fortified* or *bastioned*. So the verbatim translation of this would be, “**And [forbidden to you men are] all shielded or bastioned women...**” These mated women are only legitimate for their own husbands; no other man may marry them as long as they are sheltered and shielded by their husbands’ marital relationship with them.

This definition secures the stability of a family. And once this family has been pegged to its strong emotional roots between husband and wife, then the first step forward to solidifying an Islamic society has been taken. And at this level of respect for the marriage of husband and wife, society will not have to bear the burden of problematic or dubious family pairings. Sexual relationships require a sanctity; and this sanctity offers husband and wife a guarantee that no one is going to interfere with their matrimonial chastity. This deference for husband and wife bonding disallows any type of sexual switching, sharing, or swapping. All these troublesome behaviors lead to perversion and the disintegration of the family altogether.

A family is initiated when a man and woman join together as a husband and wife, both of whom are above anything else dedicated and devoted to each other. A family is not the whimsical bartering of husbands and wives, nor is it a reproduction of children in a surreptitious conjoining of bodies that unload their urges in a manner akin to animals rather than humans. Instead a family is the binding of souls and bodies that jointly conform to Allah (ﷻ) in a way that accommodates and safeguards both husband and wife together. This meeting of minds and souls dovetails with the human nature that Allah (ﷻ) cast man in. Man is more than an animal even as he fulfills his innermost urges. Man is intended to procreate, to protect, and to provide. When a marriage within a family inside a household satisfies the mutual serenity of husband and wife, this marriage also contributes to the soothing of the conscience, the passionate security of the family, and the peace of society at large.

A newly born human is not like an animal. An animal in a very short period of time becomes an instinctual being of nature while a baby human needs more family care, more nurturing, and more time to grow up and become independent.

Reproduction is probably the end of the line in animal sexual activity, and is less a pleasurable activity than a necessary one. But in humans that is not the case. Even though reproduction is the act or process of producing offspring and is one of the essential functions of a living organism, humans fulfill much more in this relationship of sexual combining than just having offspring.<sup>62</sup> One of the delicate psychological distinctions between carnal sex and refined love is the perpetual bonding in the latter between male and female, man and woman, husband and wife. This in-perpetuity love between wife and husband offers their infant the emotional protection that nurtures its cognitive development. It is this adhesion of feelings and spirit that induces a driving sense of responsibility on behalf of the parents to love, foster, and nurture their children. And beyond that, children are infused with their parents' life and experiences, and this helps them grow and mature. This kind of inter-generational succession adds to and improves the quality of human life as it raises the standard of the social order in which it is anchored.

If this is the case, and this is what can be understood from delving into these *āyāt*, then the moment of most ecstatic pleasure in human sexual intercourse becomes only a building block in the overall combination of heart and soul belonging to husband and wife. From another perspective the most desirable sexual climax becomes an incentive for both spouses to live out all the rest of the responsibilities in life that result from their enraptured moment of union. When this dawns on the euphoric couple, they realize their marriage is more than a personal or momentary whim that each seeks to satisfy regardless of the associated duties. What may have begun as a deep feeling of sexual desire and attraction is transformed through marriage into a strong sense of responsibility — a family force that binds each mate to the other in a passionate love that dwarfs the initial moment of infatuation.

Both sexes become tied to each other by a confluence of their attractive force and the obligations that grow from their bosom togetherness. This is one way of describing a family. Thus, a man and a woman married to each other, without third-party contenders for their affections, make for the best possible marriage — a marriage tethered to the growth that comes from a continuing relationship. In this matrimony a spouse does not feel that his or her duty toward the other is solely contingent upon a sexual impulse or the fantasies of sexual arousal. If mutual love between husband and wife does not generate a deep and keen sense of responsibility from one toward the other, then there is something fundamentally wrong with the relationship. And as part of this keen sense of responsibility, love is meant to be a father and mother's duty in caring for their weak and unprotected baby child — a child who was born from and into their mutual love.

Before defining a family as parents and children, it should be defined as love and responsibilities. The feelings of love that do not produce a sharp sense of family responsibility are more testosterone and libido than they are admiration and passion. All attempts to redefine love in the form of a sex drive, sexual appetite, or sexual desire — without reciprocal responsibility — amount to aborting families. Such resocializations are also a crime. This devaluation of love and fondness leads to promiscuity, lewdness, and adultery in society — sure signs of a social meltdown.

### **Erotica, Secular Sexual Chaos, and the Destruction of Marriage**

At this point, let us look at how the chaos caused by an errant and itinerant sexuality in the world around us corroborates the Qur'anic program for sexual discipline. The motion picture industry, magazines, and articles, as well as school textbooks all seem to be working in what seems like an organized and orchestrated pattern to erode family ties. Even the marital knot is being axed. Couples are, in so many words, incited to satisfy their sexual urges wherever that may take them and with whomever they may find themselves. Marriage, along these lines, is made out to be a burden. Marital respon-

sibilities, according to social scientists and behavioral theorists who have parted company with Allah (ﷻ), are an encumbrance. In the name of love defined by lust people are supposed to shed a love defined by warmth and esteem.

All the glamour and exoticism that is meant to weaken, degrade, and diminish the binding love between husband and wife is wholly an evil ploy to destroy the course of love beyond its sexual expression. When Allah (ﷻ) raises human moral standards and refines their sexual relations with the precious information in these *āyāt*, it can only be a deliberate well-crafted campaign of flimflam erotic imagery, persistently broadcast around the clock to overload human senses, that can cause man to split from Allah (ﷻ) and His uplifting words. The presentation of X-rated, titillating behavior intended to cause sexual arousal, typically using film, graphic, or print media, is unceasingly used by the glamour industry to dislocate man from Allah (ﷻ), His Prophet (ﷺ), and this Book.

All of this media hype by the secular God-denying world, which is trying to socially reengineer human attitudes to sexuality, is directed at undoing Allah's (ﷻ) words in this chaste Qur'an. Any onlooker would have to be blind not to see that there is an organized effort to thwart human nature off its God-given path. There is a lifestyle promoted in the real world around us that is unrelated to Allah (ﷻ) and His textual truth. Emerging societies beguiled by the sexual "freedom" of the post-Enlightenment West are moving away from their natural moral course. The end result is to corrupt the moral fabric of Muslim society because it is — with all its shortfalls — the only remaining bastion for a moral comeback. Muslims are the target and there ought to be no difficulty in saying so, especially when they are subjected to daily barrages assailing the inferiority of women in Muslim majority countries, child marriages, genital mutilation, polygamy, the aversion to homosexuals, and the character of their Prophet (ﷺ). There are commercial and economic interests that want to break through the Islamic moral barrier to reduce Muslims to covetous consumers and tractable toilers. Islamic principles, Islamic values, and Islamic ethics are the barriers that have to come down according to those

who have much invested in their 21st-century reincarnation of a slave plantation. Once this is accomplished, the scenario goes, virtually the entire population of the earth will have been shepherded into corrals, locked up in cages, and confined to coops. The demoralization of human nature is at the top of the agenda of these profiteers who want to have their empire of wealth while the rest of mankind can enjoy itself by consuming its vitality in the muck of the moment.

It is becoming outdated and outmoded to think of family love and the accountability and mission associated with it. A family offers husband and wife composure and the absence of mental stress and emotional tension. Conversely, the financial realities of a materialistic society inflicting stress and tension on a family because there is not enough money or support is indicative of the fact that Allah's (ﷻ) program is not at work.

In these *āyāt*, listen to how Allah (ﷻ) tames the wild side of human nature. He does so in a way that does not “break our backs.” What He is saying cannot be easily misunderstood. But unfortunate for a drifting humanity is the inability of average Muslims to see that there is a deliberate counter effort to cause individuals and society to lose their moral direction and chaste compass. There are verbal communications (books, song lyrics, telephone messages), pictorial communications (movies, videos, photographs), and live performances that portray a pathetic, ridiculous, or exploitative image of sexuality — mostly without artistic merit — that undermines the precise meanings and *āyāt* pertaining to the holiness of marriage and the sanctity of family. Works of “art” or of literary standing have entered the erotic zone where the emphasis is on individuals in mutually satisfying sexual situations. Both pornography in its generational doses as well as its erotica booster are meant by the information industry to be sexually arousing and misleading. Many times the line between the two is blurred by the fact that “community standards” are the main criterion for the distinction, thereby naturally dividing secular communities on the subject. A further complication is added by the moral erosion of communities that have left God’s scripture at one time or another.

Erotic displays have existed in most cultures throughout history. The ancient Greeks, for instance, were intensely interested in the concept of beauty, first symbolized by idealized perfection in naked men and later in naked women. The Greek notion of beauty, standing as a paragon until the early-20th century, recognized that the appreciation of beauty is caught up with sexual desire. Statues of Aphrodite, the goddess of love (called Venus by the Romans), almost always showed her clothed or at least partially draped, until the Greek artist Praxiteles fashioned a nude sculpture for a temple on the island of Kos. According to Pliny the Elder, the people of Kos rejected the statue because it was nude, but the people of Knidos cheerfully approved of it. With the initial controversy, it became one of the most celebrated sculptures of antiquity.<sup>63</sup> In contrast to the modest poses prescribed by Greeks and Romans for female nudes, male statuary was shamelessly naked. Even less inhibited were ancient depictions of *satyrs* (men with strong sexual desires): lusty creatures with goatlike ears, horns, and even an occasional tail.<sup>64</sup> Erotic displays are not limited strictly to European culture. For instance, it is thought by some researchers that the sexual activity displayed on Indian temples is an aspect of Tantric belief, in which sexual acts are one of five offerings made to the deity.<sup>65</sup>

Historically, erotica was forged by men and directed at a male audience. Of course there were exceptions: *Lady Chatterly's Lover* is certainly a story that has excited women ever since it was published, and the *Diaries of Anaïs Nin* are arousing to both sexes.<sup>66</sup> However, since males have constituted the bulk of the consumers of erotica, the field has been dominated by them. In the 1990s this trend began to change. Bookstores in the secular world now have sections devoted to erotic literature for women alongside shelves filled with mainstream fiction and cookbooks. Erotic books aimed at an audience of women are advertised in popular magazines, and women are not ashamed to display them at home. In fact, these books are not usually found in porn shops catering to men.<sup>67</sup>

How these books are used also differs among the sexes. For men, erotica is often meant to “enhance” self-pleasure. On the

other hand, while women who do not have a partner can certainly try to arouse themselves by reading romance novels, women with a partner often use such literature to lead up to a genuine sexual encounter. Not only can reading these stories make a woman sexually aroused, but by fantasizing the story lines into lovemaking, she can impair or improve her relationship with her partner.

Not all these books paint sexuality in an entirely electropositive light. Some female characters do give in to the urge for “casual sex,” which, in this age of AIDS and other sexually transmitted diseases, can only be described by the seculars who know nothing about morality and God as foolish behavior.<sup>68</sup> Another theme running through some stories is one of women being overpowered by men, either physically or emotionally. In such fantasies a woman gives up her hard won sexuality to please that of another, usually a man. Such story lines do women no favor and do men no good.

This writer does not feel comfortable spelling out these things in any great level of detail, however it is necessary because some naive Muslims will not be able to understand the behind-the-scenes generational designs that seek to fill with distaste and switch off all the life-giving and life-sustaining meanings contained in these *āyāt*. Some people just do not get it unless they are presented with the moving picture.

In the time of ‘Umar ibn al-Khaṭṭāb, the second successor to the Prophet (ﷺ), a simple man made it known that he wanted to divorce his wife because he did not love her any more. And the head of the Islamic State at that time rebuked him by saying, “Hold off [are you out of your mind]! Do you think households are built only on love? Where is [your sense of] dedication and care? Where is [your] supervision and oversight?”<sup>69</sup>

These statements can be expected from individuals who spent a good proportion of their lives around Allah’s Prophet (ﷺ) gaining perceptiveness and foresight from his character and conduct, and who were keenly attuned to the spirit and meaning of the Scripture being revealed to them. A relationship between husband and wife is exquisitely fine and subtle. Sometimes this relationship is easily hurt or damaged. And in many instances it may require tact; it



should be nurtured with extreme delicacy and astuteness. How else would a closely listening, committed Muslim understand Allah's (ﷻ) words, **“And live together with them [your wives] in an evidently pleasant manner. And if you come to dislike them it may be that you dislike something while Allah associates many advantages with it” (4:19).**

Nothing could be more obvious than the fact that Allah (ﷻ) wants families to stay together — as much as is humanly possible. Human feelings should be shaped by the instructions of this enlightening Text, and thus all lustful distractions should be eschewed. The marital tie should be bolstered with a family-oriented socialization that resists all attempts to dissolve it. The coming generation, the children, and the members of this husband-and-wife family should take precedence over all temptations and every intruding emotional enticement. Furthermore, young Muslim children and developing adolescents might get wrong ideas about sex from watching and reading pornographic materials. However, since such materials are becoming ever easier to access, it is up to parents to keep their children otherwise occupied. Only in light of this divine reference point can morally mature men and women measure the racy words and motion pictures that praise personal freedom all the way to adultery and voluntary sexual intercourse between persons not married to each other.

What a stark contrast between the high culture of morality and the elevated plateaus of sexual ethics here in this life-saving Book and the abyss advertized in today's pornographic and illicit eroticism, proliferated all the more by border-agnostic electronic media and the internet. When Allah (ﷻ) says, **“And forbidden to you are all married women...”** the voices and visuals of the establishment invert this in every way possible except to explicitly state in clear words the *āyah* in reverse, “And lawful to you are all married women...”

Strongly knit families, which are an irritant to the social technologists in the materialistic lifestyle, become the incubators of determined Muslims who can and will carry their moral qualities and ethical responsibilities to the far corners of the earth. Broken

families cannot do this. Broken families will produce broken children; and broken children will only make it that much more difficult to avoid broken communities. Love — in its integrated range — becomes grace, goodwill, and gentleness, engulfing its composition made up of progeny, children, and siblings.

It takes a lot of false imagery, dirty movies, and skewed ideas to dislodge husband and wife from their God-sanctioned relationship. These promoters of loose sexual relationships are living in their heyday, but Allah (ﷻ) says the truth, states the facts, and declares the domain of validity in this affair. He is the One who shows the right course of intention and action, and He is the ultimate inheritor.

### ***Nikāḥ* Is the Security Blanket for Female Prisoners of War**

Whatever the volume of noise coming from *kāfirs* and *mushriks*, the Qur’anic fact remains: married women are unassignable, inviolable, and to be revered. Other women who do not belong to the genetic bloodline qualify for marriage if they are presented with their bride-wealth (dowry). Let these words from Allah (ﷻ) shatter the promiscuous language that seeks to create sexual pandemonium in society, **“And [proscribed to you for sexual contact are] all women fortified [by marital satisfaction] except for those whom you assume as a family host...” (4:24).**

This exception refers to women whose custody was acquired as a consequence of jihad and war. Prior to a belligerent society’s declared war against the Islamic society, these women would have been married and tending to their own families. But due to the ravages and devastation of warfare these women would become separated from their husbands who, as a result of losing a battle to the Muslims, would be forced to flee or relocate in a manner that separates them from their wives and loved ones. It is an unfortunate fact of life that when warfare ripples through society it breaks up families and renders wives without husbands. And when wives no longer have husbands they are no longer considered to be *muḥṣanāt* (fortified or immune from suitors).

Such an eventuality creates a new social dynamic: women in an Islamic society who do not have husbands. Obviously, with the avalanche of sexual feelings that may erupt — in both genders — if these women stay unconnected to family units, a solution that inflicts the least personal and social harm must be provided. Allah's (ﷻ) guidance tells us that a woman in this situation is required to re-enter her natural monthly cycle, meaning that she would have to experience at least one month of menses as she would have when she was married; that her womb is free of any previous conception, meaning she is not pregnant; and that she is not psychologically disturbed or traumatized so as to have irregular monthly periods.

Once these criteria are established, this woman becomes eligible for marriage if she accepts Islam as her *dīn*. However, if she does not accept Islam, she will still have to be placed in a protective family ambiance. While in this family setting she becomes eligible for marriage like anyone else: she has to agree to whomever her future husband may be, even if it is the man who provides for the family she finds herself in. In these *āyāt*, there is no license given to a man to make a woman in this condition his sexual slave or to force himself upon her in marriage — even if that woman used to belong to a society that went to war against the Islamic society. And while in the custody of a stable family, this woman who may or may not be a widow has the guaranteed right of continuing to adhere to her creed or religious school of thought.

Recorded Islamic history provides some historical perspective on this issue. The following incidents may shed light on the practical aspects of this *āyah* that has caused so many people to either naively or underhandedly throw baseless accusations on this noble safety measure authorized by Allah (ﷻ), otherwise referred to as *mā malakat aymanukum* (often mistranslated as *your right hand possession*).

In the time of Muhammad (ﷺ) when war was a constant feature of those opposed to an Islamic way of life, there was an incident in which combat Muslims had to take charge of some “women of war” (*sabāyā*) belonging to the Awṭās tribe. The Muslim soldiers felt uneasy thinking about them as their future wives, knowing that they either had or still have husbands who had possibly fled, were

missing in action, or presumably dead. So, naturally, they took this thought to Allah's Prophet (ﷺ), asking him what they should do. As an answer to that predicament and all similar instances until the end of time, Allah's (ﷻ) words provide the needed clarity, **“And [prohibited to you are] women fortified and satisfied by marriage, except for those [women victims of war] who become your family arrivals...”** In this case, even though these women were married, war had separated the spouses from each other and it was unlikely that they would later join their husbands again, and thus the women were no longer connected to stable family units. Hence by virtue of this *āyah*, these women of war became eligible for marriage once they had their regular monthly cycles and they concurred to being married to someone else.<sup>70</sup>

Another such episode transpired during the Battle of Hunayn<sup>71</sup> when Muslim troops found themselves caring for scriptural women whose husbands were missing in action. These women indicated to their Muslim family caretakers that they already have husbands. And when the Prophet (ﷺ) was asked about this, the answer was located in these words, **“And [unlawful in marriage to you are] married women except for women victims of war...”**<sup>72</sup> This *āyah* stands for the rights of women who, finding themselves in such circumstances without power, representation, or protection, can rely on the guiding words from Allah (ﷻ), which discipline the potentially unjust behaviors of those men who simultaneously find themselves in a position of power over others. In situations such as these, when women are separated from their husbands, their decisions — whether they decide not to get married, whether they need time to make up their minds, or whether they want to choose husbands of their own liking provided that the would-be husbands who are chosen concur — are honored.

The total picture is one of war, broken families, widowed wives, and endangered orphans. Even in this day and age, war in some part of the world or in many parts of the world seems to be a permanent feature of life. There appears to be no respite on earth from wars of aggression launched by empires, colonial establishments, or imperial powers against Muslims of Muhammadi self-

determination. The striving Muslims, who feel the responsibility to be just and to protect the weak, are not the imperialists or the colonialists. And when the deleterious effects of such wars trickle down to families, the immediate problem of widows and orphans will have to be solved as these *āyāt* are helping us do. What it comes down to is that war itself has the effect of annulling marriages and finalizing unintentioned divorces.

Marriage to such women victims of war is a way of discouraging them from seeking sexual satisfaction through promiscuous or immoral means. Such women should never be put in a position where they have to sell their bodies in order for them to support themselves or their children; or where they have to provide sexual favors to multiple men in order to feed their families. This is repulsive and alien to a caring Islamic society.

There is another intervening factor here. One cannot talk about war without also thinking about the “loss of freedom” suffered by those who are captured by their enemies. Muslims also may become prisoners of war (POWs). And this, too, would force the decision makers in an Islamic state to take a closer look at how they may want to treat the prisoners of war in their custody. Naturally, they would want to offer them humane treatment. But what if the *mushriks* do not reciprocate the same kind of treatment to their Muslim POWs? The moral standards of Muslims are always higher than those of their enemies, and even though that may be the case, Muslims will have to think very closely about how to respond in kind regarding POW treatment. In our world today, an international agreement dating back to 1864 — the Geneva Conventions — regulates the treatment of those captured and wounded in war. It was later extended to include the types of weapons allowed in warfare, the treatment of prisoners and the sick, and the protection of civilians in wartime. The rules were revised at conventions held in 1906, 1929, and 1949, and by the 1977 Additional Protocols.<sup>73</sup>

Despite all of these details, Muslim POWs receive the harshest treatment. Attesting to that are the Muslim prisoners at Guantanamo Bay in Cuba, at Abu Ghraib in Iraq, in mobile torture

centers on US warships, in secret military detention centers around the world, and in rendition sites where they are mercilessly beaten and humiliated — all places in which the United States government has thrown the Geneva Conventions to the dogs. In this case such disregard for human rights and natural rights will force the Muslims to reciprocate — not because that is the Muslims' first choice, but because it becomes a necessity of war. If the Muslims succumb to a double standard where their enemies systematically violate their rights when they show a failure to respond with parallel treatments, this would only encourage the enemies of the Muslims to seek further appeasements and accommodations.

The miserable, but nonetheless all too commonplace fact of life is that there will be women victims of war; the question is how are they going to live a respectable life and how are they to be treated in an Islamic social order? Obviously, just eating and drinking is not enough to honor their humanity; there is a “drive” in them that has to be satisfied in one way or the other. If it is not satisfied the right way it will be satisfied the wrong way — and the wrong way of satisfying the sexual drive will lead to moral turpitude and debauchery. Once this is permitted in a particular society, its moral character will sooner or later die. If these women are hard-core enemies of Islam (*mushrikāt*) they are not qualified for marriage in an Islamic society; however, if they foreswear and abdicate their *shirk*, and there is a palpable sense of hopelessness in them of ever being able to find or join their previous husbands, then they qualify for marriage to eligible Muslims.

Before the polite words of the Qur'an go on to other pertinent matters, an important fact has to be acknowledged: these exceptional instructions are not some philosophical answers to intriguing social problems; and they are not man-made ideological replies to complex family matters. In fact, these are solutions that come from the source of life and creation the same way our bodies and souls initiated from Him. And thus, before man gets carried away with a self-centered notion that he has all the answers, Allah (ﷻ) immediately reminds him, “...this is Allah's authoritative rule, binding upon you...” This has nothing to do with sexual appetites, person-

al preferences, or cultural heritage; rather it is Allah's (ﷻ) definitive decree. He is the initiator of these resolutions and solutions. And those who are committed to His command and counsel are simply living by His will.

In the pre-Islamic culture of Arabia most of these “off-limit” marriages were recognized as legitimate, except for marriage to a father's widow and combining two sisters in matrimony. Still, Allah (ﷻ) was not acknowledging the cultural or traditional “correctness” of a culture that belonged to a system at odds with Him and His demands of humans to be socially just. And to be faithful to this He reminds us, “...this is Allah's rescript, binding on you...”

Those who make the transformation from non-Islamic societies to an Islamic one should understand there are no roots of Islam in their pre-Islamic culture or tradition even though there may have been some similarities here and there. Anti-Islamic societies are invalid and illegitimate; and even if there were some ethical qualities in such societies these qualities should never vouch for the fact that these human habitats are in contravention to Allah's (ﷻ) right to legalize and moralize for humans. Islam is the fact that human beings yield to Allah (ﷻ) and remake their selves and societies according to the Will of Allah (ﷻ). Islam is an application program: you either accept it and all it stands for or you decline it in toto. For those who want a patchwork Islam they should know that their relationship with Allah (ﷻ) is opportunistic, hypocritical, and disingenuous.

The transformation of people from Arabians to Arabs<sup>74</sup> required this annulment of a particular heritage at a particular stage, and the invalidation of their taste of mannerisms and artistic production (especially their virtuoso talent — poetry), as well as an abrogation of the type of knowledge and values shared by their peculiar society. This was not an easy thing to do when the people were not organically and intrinsically in the companionship of Allah (ﷻ) and His Prophet (ﷺ).

What should be thoroughly understood here is that the transition from moral values to legal codes is the function of Allah (ﷻ). No one else has the right, the position, or the knowledge to

outline human moral standards and then extend them into man's practical life in the manner sketched throughout this constitution of confidence, the Qur'an, except Allah (ﷻ), "...this is Allah's ordinance, binding upon you."

### The Meaning of *Nikāḥ*

After showing human beings how to manage and discipline their "jungle of feelings," and after giving them an explanation of how they are to go about conforming to Allah (ﷻ) in their marital, family, and interpersonal lives the good Book then tells them how abundant their choices are beyond that small domain of proscribed marriages. There is a vast territory in which our human nature can fulfill its sexual and familial impulse. Marriage is meant to bring two opposite sexes together to make a combined whole that will bear and bolster a close family. In this context the climax of these two souls lends itself to family consolidation and household cohesion. Let us walk with Allah's (ﷻ) words,

**But what is beyond these [restrictive marriages] is lawful for you, offering them [your wives] of your possessions, taking them in honest wedlock, and not in fornication. And to those [women] whom you desire to love and savor in marriage, you shall give them their due bride-wealth; but you will incur no sin if, after [having agreed upon] this lawful due, you freely agree with one another upon anything [else]: behold, Allah is certainly All-Knowing, Wise (4:24).**

The bloodline relatives and the other categories that have been detailed above amount to a very short list of prohibited types of marriages. Outside of this very narrow circle a whole world of matches is possible and permissible. A man's drive to satisfy his "sexual" compulsion has to be congruent with the parallel satisfaction of a woman's need for security. A suitor is expected not only to offer his heart to his future wife but also some of his labor, which is



translated into family finances. The result of this comprehensive dual approach to ask for the hand of a wife should result in the mutual activity of each spouse protecting the other (*iḥṣān*). *Protection* here refers to chastening and moderating the sexual drive. Men are told that it is their duty and obligation to bind with their wives sexually and “financially.” This means that as deep as the sexual drive is in man to adhere to his wife he should also have a duplicate “drive” to share his wherewithal with her; and this he does in one way by giving her the dowry (bride-wealth).

This *āyah* does not mean that men are somehow transacting sex or buying women’s bodies for sexual gratification. And these words are not left up in the air for anyone’s speculation, as they are immediately followed by, “...**taking them in honest [sexual] fortification and not to just spill your seminal fluid.**” This, we may say, puts an end to those who try to reduce marital relationships to impermanent or incidental marriages. It should be clear from the understanding of this *āyah* that Allah (ﷻ) desires couples to have a stable and lasting marital relationship. This is the relationship of *nikāḥ* — matrimony, wedlock, union, fidelity, and responsibility. Any sexual relationship that does not meet this standard may be adultery or something close to it. Adultery violates *nikāḥ* because it is the voluntary sexual intercourse between a married person and someone other than his or her legal partner; it could also be sexual intercourse between a non-married person and another outside the *nikāḥ*. This offense and infraction of the *nikāḥ* is almost universally recognized as grounds for divorce in many cultures and legal systems, with varying punishments from one culture and country to another. The legal secular definition of adultery is inconsistent: in some places both parties have to be married (to different people); in others it is adultery if the woman is married but not if only the man is married, and so on. The whole issue becomes a confused one once human beings are left to fend for themselves without the benefit of Qur’anic definitions. *Nikāḥ* is a marriage that infuses both spouses together in a way that requires both of them to cooperate and reciprocate so that all manner of cheating, infidelity, and prearranged or pre-imposed timetables on this intimate attachment are excluded.

Marriage many times in the Qur'an is referred to as a *bastion* or *embankment*. Two souls safeguard and shelter themselves from the temptations and fascinations they would otherwise be exposed to, or under the spell of, had they not been married to each other. *Nikāḥ* or marriage is in its God-ordained manner a barricade and a buffer from all enticements that may cause an unprotected "loner" to fall into sin. And this works both ways: a husband covers and shelters his wife and the wife braces and tempers her husband. This complementary and interactive "vaulting" of each other serves as the best habitat in which children can grow up and become the secure boys and girls who, when the time comes, themselves will assume these roles and pass them on to their children.

*Nikāḥ* excludes all types of what are called extra-marital relationships, adultery being the most significant one. Adultery in the Bible, for those who still hold on to whatever is left of previous scripture, is the violation of marital sexual rights and commitments; both lists of the Ten Commandments prohibit adultery but no texts give a precise explanation of what constitutes adultery.<sup>75</sup> It seems not to have been equated with all types of sexual intercourse outside the bounds of marriage. Apparently a man could commit adultery against a marriage other than his own but a woman only against her own. This means that a married man having sexual congress with a married woman not his wife was not considered to have done any damage to his own marriage; however any married woman doing the same was considered to have done irreparable harm to hers. If a woman was married or betrothed, the husband or male had the right to sole sexual possession, which assured that her children were his. When a man had sex with another man's wife, both were subject to the death penalty.<sup>76</sup> Intercourse of a married male with a female slave, even a betrothed one, or with a virgin was not a capital offense and probably was not classified as adultery. In the former case, a sacrifice was required, and in the latter, the man was expected to marry the female or pay a money equivalent.<sup>77</sup> If a husband suspected his wife of adultery, she could be subjected to an ordeal.<sup>78</sup>

Outside Old Testament law, adultery was considered a serious offense. In fact, most Middle Eastern cultures considered it a

heinous sin or the “great sin.”<sup>79</sup> The Book of Proverbs warns against the adulteress and adultery.<sup>80</sup> For the prophets, Israel’s disloyalty to Yahweh was viewed as adulterous infidelity.<sup>81</sup>

In the sayings of Jesus (ﷺ) in the New Testament, lustful looks are identified with adultery,<sup>82</sup> and marriage to a divorced woman is called adultery;<sup>83</sup> nonetheless, Jesus (ﷺ) refused to condemn the woman who was going to be stoned for committing adultery.<sup>84</sup> As in the Old Testament, the imputation of adultery has also been used to speak of religious infidelity.<sup>85</sup>

The opposite of marital fortification is sexual dissipation and capriciousness (*sifāh*). Both sexes may be guilty of this if they exchange bodily fluids without the spiritual higher purpose of loving each other to the level of mutual responsibility and sustaining compatibility. If they spill “the water of life” without fertilization they betray the trust that is engulfed in love. Their “love” for each other in this case is nothing more than a sensory effusion where sexual tension is released — and life goes on. This is descriptive more of animals than of humans. In this type of passing connection, love fails to deliver its higher meaning, its penetrating care, and its eternal ambition. And with this type of association neither of these two are capable of protecting or shielding the other.

**“And to those [wives] with whom you desire to enjoy marriage, you shall give the bride-wealth due to them” (4:24).** Marriage in a sense is a balancing act. There would be an imbalance if a man is not forthcoming in offering his wife financial compensation not because she is his physical gratification, but because his love has to overcome his greed in this one-on-one liaison. This balancing act should not be left to anyone’s compensatory attempts. Nothing can substantiate the love of husbands for their wives more than their monetary advances to them. These teachings come from Allah (ﷻ) who created this human nature of ours; and He — and only He — is able to help us out with this marital “balancing act.” The potential husband has to understand that his offer of *ṣadāq* or *mahr* (bride-wealth) is mandatory and compulsory, because these are Allah’s (ﷻ) words, and He knows best as He is the creator of human nature. His words in the Qur’an are not meant to take sides

in the nasty human polarization between those who consider themselves feminists and those who are referred to as male chauvinists. These bad feelings among the genders are a result of human deviation from this divine norm — nothing more, nothing less. The husband's openhandedness is not something optional or discretionary — it is a *farīdah* (mandatory). No husband may unconditionally inherit his wife; no husband may trade his wife for another as was the case in pre-Islamic Arabia and as may be the case today in some modern “higher culture” societies; and finally no man may swap a female from his family circle for one in another family so that he can marry her (in the pre-Islamic *jāhiliyah*, a man could “trade” his daughter or sister — regardless of her feelings, inclinations, desires, and likes — for a woman he desired in another family or tribe). These practices are not only dehumanizing in the social sense, at a more fundamental level, they are a psychological aberration.

Once a woman's rights as wife are established, the amount of what goes from husband to wife in the form of currency, or property, or funds, or valuable items, etc. is left up to the mutual agreement and understanding of both husband and wife. There is a pool of feelings and an ocean of responsibilities that have to be worked out between both spouses. And so Allah (ﷻ) says, “**...but you will incur no sin if, after [agreeing upon] this lawful due, you freely agree with one another upon anything [else].**”

At this point, after everyone concedes to a wife's right to her *ṣadāq* (bride-wealth), she has the choice of taking all of it or of handing back to the husband all of it, some of it, or whatever she may feel comfortable doing. This bride-wealth is hers — and only hers — and she may do with it whatever satisfies her conscience within the type of marital relationship that is known as *nikāḥ*. A husband may also increase the bride-wealth if he regards it to be an act of conscience to do so within the framework and dynamics of the *nikāḥ*. This now has become their joint responsibility and they are both expected to behave at the level of conforming to Allah (ﷻ), in the spirit of obeying Allah (ﷻ), and for the sake of maintaining their relationship in wedlock as defined by Allah (ﷻ). The apt rejoinder to all these penetrating instructions is

Allah's (ﷻ) seasoned locution, “Behold, Allah is really All-Knowing, Wise.”

This is where human beings should be getting their instructions. No number of family therapists and no amount of family counseling are going to be able to navigate through these delicate issues and give humanity the information it needs to keep couples together, to keep marriages sanguine, and to keep families buoyant. It can only be done by Allah (ﷻ).

This entire discussion about certain categories of women permissible for men in marriage, as described in the aforementioned *āyāt*, can be encapsulated in the list below:

1. Married women cannot be considered for marriage by anyone. They are already married and their husbands' rights require the marriage to be sacrosanct and sacred. A married woman as long as she is married, or as long as she is in her *'iddah* (process of divorce), or as long as she is in a state of mourning for her deceased husband may not be engaged, betrothed, or wed. This is underscored by Allah (ﷻ) in His Book as a binding social responsibility on all Muslims.
2. Women victims of war who no longer have husbands are permissible to Muslim men for marriage. The unintended consequences of war sometimes may enforce a divorce upon couples whose marital relationships have been thus terminated. In some instances, husbands who are also soldiers may choose to abandon the retreating army defeated by the Muslims, thereby leaving behind their wives and families. In such cases these wives would have to “flush their wombs,” that is, these women if they are pregnant would have to give birth and then wait a while before they become eligible for marriage. And if they are not pregnant they would have to return to their normal monthly cycle before they are available for marriage.
3. Marriage in general is permissible to all *non-mahram* women who fall outside the domain of the *āyah*, “...forbidden to you [in marriage] are your mothers...” as well as prophetic proscriptions such as a combined marriage between a woman and her paternal and maternal aunt, “A woman and her paternal

*aunt as well as a woman and her maternal aunt may not be combined in marriage [to one husband].”<sup>86</sup>*

4. A marriage (*nikāḥ*) includes a necessary component without which the marriage would be rendered false and fraudulent: the *mahr* (the bride-wealth or the dowry). Any marriage that is enacted without this essential element is void.

### **Acculturating Women of War to an Islamic Society**

If a Muslim man is unable for socioeconomic reasons to marry a woman at or above his own social standing, he should then think about marrying a woman of a humbler status. A single man of very modest means may find he has reached a point where he can no longer patiently stay a bachelor, fearing either health problems or falling into sin. And for all Muslim males who find themselves in these straitened circumstances, an Islamic society provides a dignified and honorable solution,

**And as for those of you who, owing to circumstances, are not in a position to marry independent women committed to Allah, [let them marry] ladies committed to Allah who are within your family emotional-security circle. And Allah knows all about your commitment; you all emerge from each other. Marry them, then, with their family’s permission, and give them their bride-wealth in a reasonable manner — they being women who give themselves in honest wedlock, not in fornication, nor as secret love-companions. And when they are married [and fortified against sexual sins], and thereafter become guilty of immoral conduct, they [these women] shall be liable to half the penalty to which independent married women are liable.**

**This [permission to marry insecure and dependent ladies] applies to those of you who fear lest they suffer a failure of willpower. But it is for your own good to persevere in patience [and to abstain from such**

marriages]; and Allah is apt to forgive, and express mercy (4:25).

By now, it should be apparent that the Qur'an is delivering guidance that is tailored to our human nature. All the substance of revelation takes human strengths and weaknesses into consideration, perfectly placing our needs and wants side by side. We move with our potentials, we make progress due to our abilities, and we reach our goals with all the resources at our disposal. And the imperative of these *āyāt* aims to position a clean human life and environment above the awkward and backward impositions of a crass materialistic society that is alienated from Allah (ﷻ) at best and hostile to Him at worst. This Qur'an is meant to rescue humanity from the abyss of a lurid and directionless lifestyle. The sinister status quo of immorality and sensationalistic sexuality was never meant to be; it is a deviation of human history and behavior into a satanic trajectory.

Human beings have the capacity to pull out of this quicksand if they place their daily confidence in Allah (ﷻ) and work on an extended program to take this *jāhiliyah* apart and supplant it with the living words of this supportive Qur'an. With all the bigger problems confronting and confounding us as human beings, how can we afford to be irrelevant in a world that has us trapped in its immorality, imprisoned in its evil, and nailed to its cross? For all those who feel the weight of this *jāhiliyah* when the hormones are raging in the prime of youth, they will find the much-needed answers when they accompany Allah (ﷻ) in this holy Writ of enlightenment. Allah (ﷻ) is the authority on human nature. And why should He not be? Was it not He who created, molded, and made us the human beings we are — with all our moodiness, temperament, and disposition?

Wars and social upheavals interfere with the normal course of life, upsetting the balance, stability, and routine of an otherwise undisturbed society. This has been the case throughout human history. And as this is an unavoidable reality, either for those who are directly affected by armed conflict or for those who indirectly help them out of their misery, there ought to be solutions so that all peo-

ple can deal with the aberrations of war in a disciplined and compassionate way that simultaneously fortifies and ennobles the fragile human nature fleeing from war. One of these aberrations is the temporary social abnormality of dislocated peoples and populations. When an Islamic and God-conscious social order is faced with a multitude of displaced human beings — who still have their wants and needs, their desires and urges, as well as their psychological and biological necessities — it deals with them humanely. Those who are classified as prisoners of war are either set free without any reciprocity from the *kāfirs* and *mushriks*; or set free through an exchange of such prisoners by both sides; or finally, released back to their commanders in exchange for monetary compensations paid to the Islamic state. There are a host of conditions, circumstances, and variables that have to be weighed within the larger context of affairs; and subsequently decisions about the fate of dispossessed peoples are made with Allah's (ﷻ) help.

However, as for women victims of war — who along with their children are perhaps the most powerless, and thereby the most vulnerable, people on earth — they deserve special consideration so that their humanity and dignity are not easily violated by those who assume control over them. The Qur'anically inspired social paradigm motivates the victorious, but still God-conscious, Muslims to emotionally assimilate these dislodged and initially disoriented women into an Islamic family circle that acts as their support system. These women, naturally, have a sexual yearning that has to be satiated — and this on terms that are neither oppressive, unjust, or demeaning to them. It is within this expression of family affinity that a marriage may take place. Never in an Islamic society that is striving to be clean and virtuous is it permitted for such women who have fallen on hard times to sell their bodies or trade in sex to survive. The responsible Islamic social fabric will not permit them to “float around in society” without being anchored into a family environment that loves, cares, and shares its wherewithal.

Women who inadvertently find themselves in these circumstances, due to imposed wars of aggression that were ultimately lost by the enemies of an Islamic state, become dependent not on some



type of cold-blooded, state-sponsored welfare system, but rather on a family structure within the Islamic society. Thus, with a view to bind together two groups in society who would not otherwise be able to share the pleasure, the love, and the security that comes with a marriage relationship and to contain their sexual inclinations within a moral framework, Muslim men who are looking forward to getting married and are unable to marry within their socioeconomic “class” are encouraged to try to marry these “broken-hearted women” who were separated from their original family environments. It is in this context that his *āyah* needs to be understood,

**And as for those of you who, owing to circumstances, are not in a position to marry independent women committed to Allah, [let them seek in marriage] women committed to Allah who are within your family emotional-security circle (4:25).**

Naturally, in trying to minimize the differences between future spouses so as to minimize the possibility of a dissolved marriage — differences related to culture, language, and ethnic origin among others — a marital match would most likely take place between a Muslim man and woman who come from the same environment and background. Such an ideal situation is obviously an impossibility for women who have been displaced because of war. An important description of a woman is that her independence and freedom — that is, not being dependent on and subject to the decision of others — is a matter of protection for her. And for a woman, there is no environment more secure from sexual opportunism than a stable, caring family unit that ultimately safeguards and then guarantees her freedom and independence. A woman is able to exercise her freedom of choice better when she is not subjugated by extraneous circumstances that have the power to constrain her otherwise free decision. It should be obvious that a woman who is truly free to make such an important life decision is preferable to a woman who feels she has no option but to marry because extenuating conditions forced her into a “relationship of convenience.” In

the latter instance, the woman may never be able to emotionally bond with, respect, or even love the man she felt she was forced to marry because there was no other way out, leading to an unmanageable level of family turmoil down the road.

It is interesting to note the word *muḥṣanāt* in the Qur'an refers to both independent women and married women. The obvious implication is that women are most independent when they belong to complementary relationships of dependence: marriage and family. The behavior of men in the gender-neutral materialism of the West and the pacified Muslim conscience of the East indicates that men in both environments do not very readily understand this about women; however, it is nonetheless integral to the versatile relations between the genders. A woman feels satisfaction in being part of well-established kindred of reputable status where all her entitlements and prerogatives are taken care of. Other women though who do not have this freedom from want, especially those who are fleeing from the ravages of war, are exposed to feelings of compromise and even sexual peril.

There is definitely a centuries-old Machiavellian socialization out there about exposed women, who find themselves in exploitable situations with no legitimate means of support, that begins to damage their conscience and humiliate their noble character. Women are not prone to prostitution. But by dint of the historical precedent set by the traditional way societies have dealt with women in trouble, such women begin to feel there is no alternative to offering sexual intercourse for pay as a way out of their dreadful circumstances. This psychological exposure renders less-than-independent women *non-muḥṣanāt*. Even when such "bondwomen" get married they may carry the scars of their psychological inferiority into their new lives. And when the horrifying psychological impact of warfare is tacked on to this unfortunate socialization of taking advantage of unprotected women, it should be abundantly evident that women who marry need more than just a sexual counterpart. They need genuine love and honorable accommodation.

Another potent element in helping women regain their full potential to live normal lives in the aftermath of wars and social tur-

moil is for them to authentically feel they are part of loving and nurturing families. This integration into family life helps tremendously in erasing any notions of estrangement in an Islamic society.

At one time in the past, and by some definitions today, individuals dislocated by wars were reduced to slavery — the forced servitude of one person to another or one group to another. A slave has no personal rights and is the property of another person through birth, purchase, or capture. Slavery goes back to prehistoric times but began to decline due to the influence of this liberating Book on humanity. During the imperialism of Spain, Portugal, and Britain from the 16th–18th centuries and in the American South from the 17th–19th centuries, slavery became a mainstay of Africans sold to work on plantations in North and South America. Even though millions died in the process of transport to the “colonies,” the profits from this trade were enormous. Institutional slavery was officially abolished in the British Empire in 1833 and in the US at the end of the US Civil War in 1865, but continues in more complex forms or in mutated stages almost everywhere economic interests dictate it.<sup>87</sup> Chattel slavery involves outright ownership of the slave by a master, but there are forms of partial slavery where an individual is tied to the land, or to another person, by legal obligations, as in serfdom. Islam entered into a world that practiced and honored slavery. And yes there were (and are) times when women were slaves, used mostly for sexual pleasure by men who felt they could do whatever they pleased.<sup>88</sup>

Although officially outlawed in most countries, various forms of slavery continue to exist — as evidenced by the steps taken by international organizations such as the League of Nations between the two world wars and by the United Nations since 1945 to curb such practices. Imagine in this real world of slave practices, slave dehumanization, and what some people characterize as slave “values,” the status of women who find themselves treated and handled as slaves. Nothing could be more demeaning to the human mind and human character than to reduce a woman to a position where she has to perform virtually anything that comes to a person’s mind!

This Qur'an did not come to a humanity that was or is very well advanced or cultured in its human relations. Slavery is one such economic and social institution of oppression and degradation that has to be dealt with. And this is exactly one of the ways slavery is practically delegitimized: to integrate a human being, who would otherwise become a slave, into a family, with all the feelings and warmth that come from belonging to a family. A family does not offer one of its own "carnal love;" rather it offers tender, soothing, and lasting love. It is in this new atmosphere that men in Muslim society may propose to women who find themselves in circumstances beyond their control.

The first thing Allah (ﷻ) directs a man's attention to in a potential marriage to a dislocated woman is for him to try as much as possible to motivate her into making a commitment to Allah (ﷻ). This commitment relationship between genders and Allah (ﷻ) is a safeguard against the tyranny of man over woman. Otherwise, it is possible for an aberrant feeling to impel a husband to mistreat his wife if she professes a "break with Allah (ﷻ)." Lest that happen He says, **"...[let them marry] women committed to Allah who are within [a man's] family responsibility..."** This means that a potential wife in the case of desperate or subdued women should be sought out within the range of the man's familial circle of care — a circle of care that has taken in these "foreign" women due to war or armed conflict between states and societies. These women if they agree to the proposal — and they have the right to agree or disagree, to accept or turn down a suitor — should be given their bride-wealth (*ṣadāq*), **"And give them their bride-wealth in a fair manner."**

Furthermore, this obligatory bride-wealth given to the wife by the husband is not tainted by notions of a superior husband and an inferior wife. And when they do marry by consent of both sides they marry a full and legal Islamic *nikāḥ*. This relationship cannot be construed as a temporary marriage or a marriage of convenience or some other type of *less-than-nikāḥ* cohabitation, **"...they being women who give themselves in safeguarded wedlock, not in infidelity nor as secret love-companions."**

The Arabian culture at that time was familiar with a few marital or sexual arrangements among what may be considered “high society women.” And there were also those sexual liaisons of what are nowadays called “red light districts.” There were also pimps or men who run prostitution networks, who would force poor and lower class women to “work” for nothing more than subsistence wages. It might be appropriate here to mention that ‘Abdullāh ibn Ubayy ibn Sallūl, the unsurpassed traitor in Madinah, had four such fancy women or ladies of pleasure who were his employees. In the final analysis, these *āyāt* were meant to de-institutionalize and then obliterate all types of slavery in a world that was almost unanimous about the “legality” and “practicality” of this abhorrent, yet very well established, practice.

The Qur’an has expressed it quite unequivocally: there can only be one marital relationship between husband and wife and that relationship is the relationship of *nikāḥ*. In this relationship a wife and husband belong together. Their consent is paramount and essential to building and sustaining a family; and a family will never be built or sustained by the sexual urge alone. Financial responsibilities are primarily the husband’s, but that being the case, the necessary and liberal interchange of money between husband and wife is not meant to introduce some type of gender warfare into the husband and wife relationship. The Qur’an as we have seen in the *āyāt* above has given the family a pivotal role in eliminating slavery attitudes, slavery inclinations, and slavery behavior in a world that still has not solved this chronic human problem.

One hadith indicates how the Prophet (ﷺ) wanted to break up and ultimately discontinue the slavery institution at its root psychological level,

*None of you should say, “My slave.” And an indentured person should not say, “My master.” The holder should say “My lad;” and the apprentice should say, “My mentor.” All of you are in the confinement of Allah. And the Lord and Master is Allah, the Glorious, the Majestic.<sup>89</sup>*

The following conditions have been cited for a Muslim suitor to marry a non-sovereign woman,

1. the Muslim man is unable to financially provide the wherewithal to maintain the socioeconomic standard of a free and independent Muslim woman;
2. the Muslim man feels the danger of falling into sin (having sex outside the bounds of marriage); and
3. the nonsovereign woman has to be committed to Allah (ﷻ) and not to be in denial of Him.

Lastly, it should be pointed out here that “widows-of-wars,” the women who are called *imā'*, enter into mainstream society by being married to a Muslim and therefore they are not stigmatized by their “anti-Islamic” cultural or social background. The children from this marriage are full-fledged Muslim children, citizens, and members of the Islamic social order.

Even though it may not appear to be so on the first reading, *āyāt* 4:25–26 champion the rights of those women who find themselves in an awkward social position because of a war between two armies, states, or societies. These women whose task it is now to assimilate into a new Islamic society cannot be considered on par with well established Muslim women who belong to, are from, and have been in an Islamic society for a long time. Newcomers into a society are not comparable to those entrenched culturally, religiously, and socially into that society. This applies to these women who are just beginning to make their way into an Islamic society — as welcoming and as open-hearted as an Islamic society may be. These recent female arrivals into a new society, even an Islamic society, would feel a degree of social, personal, cultural, and maybe at times an ethnic, a racial, a linguistic, or even a religious estrangement. All these factors would make an alien woman in a new Islamic milieu feel exposed, uninvited, and perhaps sometimes abandoned. These intense feelings may drive some of these women into sexual sin, or adultery. And so if that happens they are not to be punished with the same severity as those free women who are not affected by such distressing circumstances, **“And when they are married, and there-**

**after become guilty of immoral conduct, they shall be liable to half the penalty to which independent married women are liable.”**

This Qur'an has always stood up for the rights of those who have been historically and traditionally deprived of their human dignity and social standing, a chief component of whom are women. But despite this, the jealous and hateful — mostly Christian evangelicals, Jewish Zionists, and their contemporary adjuncts in liberal academia and conservative media, who have an axe to grind against Allah (ﷻ) and the Qur'an because their arrogance prevented them from acquiescing to the Message when they should have at the time it was revealed to Muhammad (ﷺ) — pass up no opportunity to misrepresent this compassionate and merciful Book by claiming that it contains all types of abusive and misogynistic messages. How much more understanding is possible when in our very midst is an empathetic Qur'an that advocates the rights of women victims of war and then seeks to show people how to rehabilitate and reintroduce them with honor and equality into mainstream Islamic society. What other moral and legal instrument has taken these issues into consideration without damaging, but rather ennobling, human nature? Just because these desperate women had to weather the frightful experience of war and its aftermath does not mean they should continue to live the consequences of war for the rest of their lives. Allah (ﷻ), His Prophet (ﷺ), the Qur'an, and committed Muslims would not leave these women to the whims and fancies of those who have power over them just because their men fought against the Islamic state.

Compare this sublime standard and lofty law with the way Muslim women are treated during and in the aftermath of wars. It is enough here to mention the mass rape of Muslim women in the Balkans in the 1990s when it is reported that during the course of the Slavic attacks on Muslim areas in Bosnia-Herzegovina more than 60,000 Muslim women were raped and ravished — many of them forced into having sex with soldiers and then immediately shot to death after that.<sup>90</sup> After the US occupation of Iraq in 2003, nearly one million Iraqi women — the most educated women of the Arab world with PhDs, medical degrees, etc. — were turned into

refugees and prostitutes. And given the experience of the detainees in the Abu Ghraib prison, there is no telling — because the US military refuses to release such data — how many Iraqi women have been raped by US soldiers. Judging by previous US occupations — its own Native American populations, the Philippines, Germany after World War II (WWII), Korea, and Vietnam — the number of sexually abused women in Iraq probably numbers in the tens, if not hundreds, of thousands.<sup>91</sup>

What needs to be understood here when dealing with the force of nature (sex) in the aftermath of man's abuse of force (war) is that Muslims live on a higher moral plateau than their enemies. When Muslims assume responsible roles for their enemies' families (wives and orphans), they are not left to deal with these poor souls according to their own sexual whims or according to the attitudes that flare up after the heat of war. They have to refer to this Qur'anic reference point so that they can humanely raise, sustain, and foster women and children who have become post-war responsibilities. No Muslim as bright as he may be, or for that matter, no philosopher or moralist will be able to be as precise and caring as Allah (ﷻ) is in these *āyāt*. No human being has the capacity to construct a legal and moral framework that stands up for oppressed women who find themselves in dire straits due to the warmongering of the states and societies they used to belong to. History is full of bloody and teary chapters in which Muslim women and orphans have had to endure the harsh treatment, merciless behavior, and genocidal policies of governments and rulers who are left only to their animal impulses and whims. These people do not have a Qur'an to refer to, so they rape, pillage, and commit all sorts of crimes against their enemies — the Muslims. And we still have not been able to state our case to the world the way Allah (ﷻ) has explained this issue to us in these illuminating *āyāt*.



### Symbolic Secular Gestures to Victims of War Fall Short

If these *āyāt* were to be taken into our time and day, then they would preclude Muslims from committing what are called *war crimes* against the civilians of the enemies who aggressed against the Muslims. This would apply even though grave offenses against the laws of warfare entailing criminal responsibility of individuals is the norm when Muslims lose in wars. It is frequently asserted that every single violation of the laws of warfare amounts automatically to a war crime, but in actuality individual criminal responsibility is more restricted in scope. A war crime is typically said to be committed by members of the armed forces, but it can also be perpetrated by civilians. In the secular God-denying world of imperialists and Zionists there is no comprehensive and binding definition of the term *war crimes*. The basic, albeit incomplete, definition appears in Article 6 of the 1945 Charter of the International Military Tribunal annexed to the London Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, which also sets forth two independent categories of “crimes against peace” and “crimes against humanity.” Under this provision, war crimes include, but are not limited to, “murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.”<sup>92</sup>

The International Military Tribunal at Nuremberg emphasized that other acts not mentioned in Article 6 — such as the employment of poisoned weapons or the improper use of flags of truce — have historically been treated as war crimes. In fact, a number of war criminals tried after World War II were convicted of offenses not covered by the London charter, for example, breach of surrender terms.

The four Geneva Conventions of 1949 for the Protection of War Victims (Articles 50, 51, 130, and 147) list “grave breaches” involving specified acts committed against persons or property protected in each convention, chiefly, the wounded and sick, prisoners

of war, and civilians.<sup>93</sup> Other grave breaches are enumerated in Article 85 of the 1977 Additional Protocol to the Geneva Conventions Relating to the Protection of Victims of International Armed Conflicts (Protocol 1).<sup>94</sup> Paragraph 5 of the latter clause proclaims that grave breaches of both the conventions and the protocol “shall be regarded as war crimes.”

War crimes are punishable severely; in extreme cases the penalty can be death. However, verdict and sentence must be pronounced after a fair trial by a duly formed judicial tribunal. The performance of the International Military Tribunals at Nuremberg and Tokyo demonstrates the feasibility of the creation of international courts for the trial of war criminals. These tribunals operated on an ad hoc basis, however, and as yet no permanent international penal court has been established. In the absence of an international tribunal, the trial of war criminals must take place before national courts.

When states suppress war crimes committed by members of their own armed forces, trials are generally conducted pursuant to the pertinent domestic military law. But should other states wish to institute penal proceedings, they can only do so by virtue of international law. Under customary international law, war crimes are subject to universal jurisdiction so that all states are entitled to bring offenders to trial. Since the Nuremberg Trials, it has been acknowledged that war criminals cannot relieve themselves of criminal responsibility by citing official position or superior orders. Even obedience to explicit national legislation provides no protection against international law. Additionally, war crimes are not subject to the application of ordinary rules of statutes of limitations. Hence, there is no time limit on prosecutions, which can commence after many decades.

War crimes trials date back in European history to the 15th century, but the issue of war crimes came to the fore mainly as a result of the countless Nazi and Japanese atrocities perpetrated in the course of World War II; the rules of war breached by the militaries of the so-called “allied powers,” the putative victors in WWII, were never tried as war crimes. Apart from the two major trials conducted by the international military tribunals, thousands

of lesser war criminals were prosecuted before national courts in more than a dozen countries.

Notwithstanding the overall success of the post-WWII trials, until very recently, none of the multiple regional armed conflicts following it has spawned prosecutions of war criminals. Threats of indictments have been made on several occasions but have not been carried out. There are various reasons for the prevailing reluctance to proceed with war crimes trials subsequent to regional wars. But the key element is the lack of trust that national courts, although vested with jurisdiction, would be morally capable of administering justice to former enemy personnel. Only the establishment of an impartial international tribunal for the prosecution of war crimes can overcome mutual suspicions in this sphere.

None of this official jargon has ever worked for justice when victims of war have been and continue to be Muslim peoples and populations. Where is all this fancy talk about war crimes when it comes to the Muslim victims of war crimes in Palestine, Chechnya, Bosnia and Herzegovina, Kashmir, the Philippines, Iraq, Afghanistan, Pakistan, and so many other places scattered all around the world? These colonial and imperial powers of aggression have rendered millions of Muslim children orphans and millions of Muslim women widows; and if you have not already guessed, there is not one hint or clue of justice when it comes to caring for the broken lives of Muslim children and Muslim mothers whose families have been shattered, whose lands have been stolen, and whose lives have been crushed. What a far cry between all the fancy and high-sounding words in the Geneva Conventions and certain national constitutions — that have failed miserably when the victims are Muslim mothers and children — and the Qur'an, which guarantees that its adversaries' wives and children will not be degraded, humiliated, or ostracized. On the contrary, the Muslims are duty bound to look after, care for, and integrate into Islamic civil society all the orphans and widows of war in accordance with a mercy and benevolence that is characteristic of Allah's (ﷻ) mercy upon humanity.

In the religious and political literature of Euro-American civilization there is no social or legal entry for the word *orphan*. It is

left up to a particular economic class, a social interest, or a religious hierarchy to notice orphans — if ever they wish to do that. As for the widow, there are a few simplistic passages defining her as the surviving female spouse of a deceased man. In biblical times widows were treated with respect and pity, and protected by the covenant laws.<sup>95</sup> Widows had special privileges in being allowed to gather and keep (without payment) whatever remained of the crops after harvest;<sup>96</sup> and taking part in sacrifices and feasts.<sup>97</sup> The third-year tithe was divided with widows.

However, these scriptural references from the Old Testament do not go to the extent of making a social allocation for a woman whose husband is no longer around due to his prisoner of war status, his missing in action, or his unknown condition. Further, there is no consideration given to women belonging to other “faiths,” especially those women who are prone to be cheapened and abased: widows who were left behind because of war.

What Muslims have in front of them here in these sweeping *āyāt* is something they find hard to appreciate in the psychological bungle and social jungle that has become the materialistic and secular world, elements of which have been around from time immemorial. These *āyāt* have brushed aside all marital mistakes, misunderstandings, and deviations. Hence, even though sexual intimacy is important, sex and erotic satisfaction can no longer be the centerpiece of marriage.

The obligation of marriage to a brother’s widow, which is considered to be in keeping with Old Testament law, is now for all practical purposes nonexistent. This type of marriage, called *levirate marriage*, is a marriage with a brother’s childless widow. In this definition of a particular type of marriage it is said in Old Testament circles that although it is forbidden to marry a brother’s widow where there are children,<sup>98</sup> such marriage is commanded where the brother has left no offspring.<sup>99</sup> Release from such obligation is made possible through the ceremony of Halitzah.<sup>100</sup> In the Talmudic period, many rabbis, fearing improper motives in the fulfillment of this commandment, gave preference to Halitzah, although subsequently there have been differences of opinion on this question.

Maimonides upholds the customs of levirate marriage, and is followed in this respect by the Sephardic communities in Africa, Yemen, Babylonia, and Persia.<sup>101</sup> Rabbeinu Tam, however, gave preference to Halitzah, and this became the accepted custom among Ashkenazi communities. It became usual in some communities for the brother of the bridegroom, at the time of the wedding, to formally agree to the Halitzah in case of necessity, thus enabling the widow to remarry someone other than the brother.<sup>102</sup>

A type of marriage permissible in the pre-Islamic perversion of scriptural tradition was *morganatic marriage*. This is a marriage between a royal or noble person and a partner of lower rank, with strict limitations on rights of inheritance. Such a marriage or otherwise any hint of privilege that comes out of class distinctions is not permitted in an Islamic society. But class discrimination is an integral part of secular and material (non-Islamic) societies, and thus even something as intimate as marriage cannot be expected to be excluded from its social engineering reach, which is ultimately directed to stratification, and thereby rank and status. Similarly, the permissibility of *sororate marriage* (the marriage by a man to two or more sisters successively and/or simultaneously) — for which no guidance exists in previous scriptural tradition — has been proscribed, in the simultaneous instance, by the above informational *āyāt*.

*Endogamy* and *exogamy* are terms that broadly circumscribe, in non-Qur'anic societies, the social rules related to the identification of those who are to be regarded as legitimate marriage partners. Endogamy allows marriage between members of one's own group or lineage, but where does one draw the line when there is no information from Allah (ﷻ) to rely upon? And exogamy allows marriage only between members of different groups, to encourage transfer of members and their resources, that is via dowries, between lineages. In these *āyāt*, all such issues relating to marriage have been put to rest with vivid and delineating information about bloodline, blood pool, and blood stock. Had it not been for this information from Allah (ﷻ), man would still be confused with regard to the kind of marriages that are lawful and those that are not. And still, despite the presence of this valuable information for

the past 14 centuries, marriages between people of different tribes, clans, or castes along cultural, traditional, and personal preferences take place.

To be a little more specific about this issue of widows and orphans and to underscore how challenging it is, the possibility of a racial difference between the Muslim society and its *counter-kāfir* society — both of whom emerge from a war in which the Muslims now feel responsible for widows and orphans of another race or ethnic stock — would have to be considered. This now becomes a *multiracial* or *biracial* humanitarian issue. These terms typically describe persons who have parents of different racial heritage. Biracialism refers to those with two heritages, usually one black parent, one white; while multiracialism is a more inclusive term, suggesting a plurality of heritages through several generations.

In Euro-American cultures from the 16th–20th centuries, the term *mulatto* (the Portuguese term for a young mule) was used in the West Indies and the United States when referring to children of mixed heritage. Other dehumanizing terms included the United States' and Britain's use of *half-breed* and *mixed breed*. In the present century, *half-caste* has been the predominant term. In the Euro-American sphere of cultures it was only in a country such as Brazil, where persons of mixed heritage became the majority population, that mixed heritage ceased to be an issue of social reproach.

Traditionally, social attitudes in the United States have been based on the “one drop of black blood” rule, adopted by some states following the abolition of slavery, that classified individuals as black. While most individuals of black and white parentage presumably internalized this rule and identified themselves as black, others “passed” for white. The children from these unions have often experienced rejection from both whites and blacks, and indeed from society.

It was not until 1967 that the remaining anti-miscegenist laws were repealed by a United States Supreme Court ruling. *Loving versus Virginia* came as the result of action by Richard and Mildred Loving, a couple who were arrested in their home town in Virginia in 1958 for being married; he was white, she was black. They fled

to Washington, DC, rather than face prosecution, but fought and eventually won their case.<sup>103</sup>

In addition to the repealed anti-miscegenist laws, other significant changes during the 1960s in both the United States and Britain may have contributed to the development of more positive identities for multiracial individuals. Such changes included the scientific discrediting of white superiority and the rise of multiculturalism. Ironically, the “one drop of black blood” rule experienced a resurgence as black leaders argued for people of mixed heritage to regard themselves, and be perceived by others, as black. Although this view was more widely accepted in the United States, the extent of its acceptance in Britain remains uncertain.

In the most recent vicissitude on this issue the denial of part of one’s heritage has come under question. Individuals identifying themselves as multiracial have argued that it is psychologically damaging to deny the white part of their heritage and to do so would in essence support the discredited theory of distinct biological “races.” Multiracial support networks and some demographers estimate there are at least one million multiracial people in North America of all heritages and this number is growing.

Some of the particular problems faced by biracial adolescents were uncovered by some research papers where findings indicate that conflicts regarding ethnic identity could be attributed to the failure to integrate the ethnic and “racial” heritages of both parents into a cohesive identity. While several subjects identified with only the white aspects of their identity, others “overidentified” with the minority parent and rejected whiteness, sometimes taking on stereotyped characteristics. Others experienced pressure to identify with one group or the other and felt ambivalent over the “racial” heritages of both parents. Other biracial adolescents switched between one heritage and the other reflecting “divided loyalties.”

This issue of miscegenation, or the marriage between people of different “races,” cannot be solved by governmental institutions. And in an Islamic society it is resolved and ameliorated within the family context. *Mésalliance*, which is marriage with someone who is considered to be socially inferior, is also untangled and straightened

out within the integration dynamics of family life. Earlier, we were acquainted with how the conditions of orphans and a pursuit of social and emotional justice for them gives way to a license for polygamy — the exception of being married to two, three, or four co-wives at any one time. However, monogamy, the pairing of one wife to one husband, is considered the norm. Lastly, *cohabitation*, the practice of living together and having a sexual relationship without being formally married, has been ruled out completely.

**This [permission to marry insecure women] applies to those of you who fear lest they stumble into evil [illicit sex]. But it is for your own good to persevere in patience [and to abstain from such marriages]; and Allah is Ever-Forgiving, always Graceful (4:25).**

Of necessity with a view to clarify, it must be said that all these provisions, permissions, and possibilities are left to man's best judgment and freedom of choice. There is nothing in the above that forces a man to marry multiple wives, that compels a woman to be married against her will, that imposes war for sexual gratification, that waters down the relationship between husband and wife, and that undermines the solemn institute of the family. All of the options above are presented for the sake of social justice — if a man (husband and father) is able to do justice to wife and children. If not, **“...it is for your own good to persevere in patience [and to abstain from such marriages].”** This patience itself is a recognition, even in its passive sense, of the social dynamics around married men that require their involvement — an involvement conducive to the family spirit and togetherness, **“...as Allah is exceedingly Forgiving and Benevolent.”**



### Allah's (ﷻ) Love for Man is Expressed in His Social Laws

The above information is followed by a reminder to human beings who tend to forget that all the correct information they have is from Allah (ﷻ) — either via revelation or via experience. Humanity, through trial and error, has become acquainted with the meanings of this perfect Book; and also through trial and error, it has honed in on the truth by experimentations with the physical facts of the world, that is, Allah's (ﷻ) creation. But, despite their being filled with fact-finding endeavors of the human race, both these arenas — revelation and creation — are usually slighted or omitted as Allah's (ﷻ) gift of knowledge to man. And for that reason among others, man needs Him to reinforce where all this incontrovertible information is coming from.

A family, the emotions that pervade human beings within a family and beyond, the sexual drive and how it is to be disciplined and tamed, the social welfare role of a family, the care for orphans and widows, the assimilation of “incidental or extraneous individuals” into an Islamic society by allowing for their integration into family units, the liberation of captives through family relationships, etc. — all these issues, which are covered in this discourse and throughout the previous *āyāt*, come to man courtesy of Allah (ﷻ), the All-Knowing, the Almighty, and the Authority on all things human and all things material. Active knowledge of these issues is not simply meant to raise the moral quality of individuals — which it certainly does — but more importantly and more urgently to raise the moral quality of society itself. For in the long run moral individuals can only survive their lifetime when they are located within a moral society.

The psychology of humans who have strong and overburdening sexual feelings, the sociology of families who have natural and overlapping affiliations, and the economy of societies that have tendencies and “interests” in the accumulation of wealth and the monopoly of resources are better served by Allah (ﷻ) who created all these intricate and overlapping vital forces, and furthermore revealed His final Word on how to regulate individual, family, and society without clashes, interferences, or discord. Only individuals

who are slaves to their lusts, families that are coming apart, and societies that are gripped with a frenzy of materialism and the worship of money would become resistant to Allah's (ﷻ) way. And thus,

**Allah wants to make [all this] clear to you, and to guide you to the [well-ordered] ways of life of those who preceded you, and to turn to you in His mercy: for Allah is All-Knowing, Wise. And Allah wants to turn to you in His mercy, whereas those who follow [only] their own lusts want you to drift far away from the straight path. Allah wants to lighten your burdens: for man has been created in a state of susceptibility (4:26–28).**

How does Allah (ﷻ) care for us? How does Allah (ﷻ) show us His love? By giving us the vital information we need to live clean lives, to have healthy societies, and to develop better relationships with each other. Allah (ﷻ) shows us that He not only loves us through the provision of this critical information, but He also honors us by enlightening our minds and reining in some of our inclinations. He most graciously says in this context, **“Allah wants to make all this clear to you...”** Our Christian brethren in scripture do well to speak of God's love for man, but is there true love when man is left to manage his course with only his limited knowledge, his incomplete information, and his sequestered or barren emotional attachment to God? Or does this necessary emotional relationship with God need an enlightened mind, a structured plan, and a word of advice on how to proceed in life from cradle to crypt?

Allah (ﷻ) loves us and demonstrates that love by educating us, by telling us what is right and what is wrong, by steering our emotions through their difficult and delicate fluctuations, and by helping us organize and regulate our family and social selves. His love is not abstract as much as it is practical. These words from Allah (ﷻ) are easy to understand. There is nothing puzzling about their meanings and they deliver in a way that is accessible to humans provided that these humans activate their minds, open their hearts, and receive these words without prejudice and without

malice. God is not saying for instance, “I love but I will leave you to wander through this emotional jungle, this social state of nature, and this human wilderness that combines into your interpersonal, intersocial, and international relations.” Allah (ﷻ) loves us in every word and sentence that shows us the way: how to grow up as children in families, how to assume responsibilities as parents in families, how to integrate orphans and widows into families, and how to define the role and function of families in societies — a role and function that clips the intrusion of government into personal roles and social functions.

**“And to maneuver you to the [upright] ways of life of those who came before you...”** This sentence refers to the fact that life is a course traveled by previous generations. And from one generation to another this course of life begins to suffer from deviations. Some of these deviations are social — the aggression of males against females, for example; some of these deviations are personal — the sexual perversions of anti-creation as opposed to pro-creation, as is the case with homosexuals; and some of these generational deviations are familial — for instance, the rebellion of children against their parents. But the fact remains that the moral course of previous generations is the moral responsibility of following generations. And in this generational movement of morality we need to feel that we are picking up where others have left off. This is a continuum that cannot be discontinued by odd ideas and exotic trends, **“...and [Allah wants] to guide you to the [straight] ways of life of those who preceded you...”**

Since time immemorial the morals of Allah’s (ﷻ) word have remained the same. The principles have not changed, and the course of action is unaltered. It is the commitment to Allah’s (ﷻ) covenant that carries this moral conduct to its futuristic end. There is no nationalism, racism, or ethnicism that distracts from this fact. The moral character of societies overrides all other considerations, unlike today’s divided world in which morality is a very minor issue at best and a very negative issue at worst.

There is no doubt that along this personal, familial, and social moral course there will be individual failures, isolated instances of

digression, and maybe even some serious societal lapses. And none of this should detract from the fact that we belong to a better tomorrow rather than a taxing yesterday, “...and [Allah wants] to turn to you in His amnesty...” Allah (ﷻ) is giving us critical information, providing us with vital facts, and coaching us with His certain words so that when we do fail or go wrong He is willing to pardon our unintentional mistakes, to forgive our un-institutionalized errors, and to disregard our “good faith” misunderstandings, “...and Allah wants to stop blaming you...” Human beings are prone to making mistakes; and Allah (ﷻ) knows that. Human beings are inclined to faults; and Allah (ﷻ) knows that. Human beings are not infallible; and Allah (ﷻ) knows that. That is why the struggle for a moral character, a moral family, and a moral society will be interrupted by minor mistakes, petty delinquencies, and small stumbles here and there. And if these do not become the norm then Allah (ﷻ) is willing to “look the other way” as it were, and not burden us with guilt, but rather encourage us to go on building our chaste character, our virgin families, and our durable societies.

**“For Allah is All-Knowing, Wise.”** No philosopher, social scientist, or think tank is going to be able to provide us with the final word on these matters: they are not all-knowing, and they are not wise. Some of them come up with observations that are tainted by their individuality; others of them will draw conclusions from a particular human habitat; and still more of them will theorize with the random samples or the social experiments they have done over a matter of a dozen or so years. But none of them, not even all of them combined, are going to be **“...All-Knowing, Wise.”** This distinction belongs to Allah (ﷻ) and He is the ultimate and final authority on these deep-seated issues and life-sustaining values.

**“And Allah wants to turn to you in His mercy, whereas those who follow [only] thir own lusts want you to drift far away from the right path.”** In this *āyah* there are two expressions of conscious choice, capabilities, and intentions. The first is what Allah (ﷻ) wants and the second is what the “creatures of their cravings” want. A human being may choose to turn to Allah (ﷻ) when Allah (ﷻ) is turning to him; or he may choose to turn to those who are

on a lifelong course of lewd and lustful self-gratification. Those who turn to Allah as Allah (ﷻ) turns to them are eventful, straightforward, and scripture-centered, while those who go in other directions are libidinous, egotistic, greedy, offensive, or all of the above.

What does Allah (ﷻ) want from us? He wants us to struggle for Him, make our mistakes unintentionally, commit minor errors while trying to avoid them, and learn from our flaws and faults so that He can turn to us in His abundant mercy and shower us with His latitude and license. Allah (ﷻ) does not want us to deliberately make mistakes; He does not expect us to rush into sinful positions. But if that happens on the odd occasion and we find ourselves falling short of our Islamic standards within our larger struggle for Him, He will excuse our transient blemishes as we work His will toward the Qur'anic and Islamic standard we have set our eyes on. This is how much Allah (ﷻ) loves us. After initially expressing His love for us by giving us the necessary information we need in our social movement, He continuously expresses His love for us by giving us the necessary forgiveness we need to move on from failure to success.

And now what do those who are teeming with lust and lasciviousness want from us — the bearers of this “human nature?” There are real people in the real world who expect real results by compelling our carnal selves to subdue our moral selves. They do this by making a case for luxuria, libido, and libertinism. These instances and considerations develop into elaborate theories that neither have scriptural bases nor are adaptable to a person's nobler self. All that erotica desires is to lower human moral standards into limbo, oblivion, and heedlessness. It is satisfied when the human population as a matter of its own choice moves from its towering standards of morality down into its nethermost bowels of deviance, profligacy, and inequity. If man cheapens himself to the point of receding into his animal state of nature, subjecting himself to the animal instinct of a jungle's survival of the fittest, at that time man will have gone astray and fulfilled the purposes of those who glamorize their biological urges, idolize their sexual appetites, and worship their erotico-mania.

The family, which is the social building block of an Islamic society, can be destroyed from within when its members descend down to the level of carnality, bestiality, and animality. All the *āyāt* Muslims read and recite are meant to strengthen families, extend families, and solder families. If they do this they will build compact societies, clean neighborhoods, and interactive communities. However, when the relationship between male and female, husband and wife, and father and mother is subverted and sabotaged by salacity, it is not only two individuals who have parted company with Allah (ﷻ), but an entire society that winds up abandoning Allah (ﷻ).

In Allah's (ﷻ) Book, love is superior to lust; in the laws of the jungle, lust is superior to love. In Allah's (ﷻ) Book, a family is sustained by love; in the life of the jungle, a family is destroyed by lust. In Allah's (ﷻ) Book, love and family extend to orphans and widows; in the social wilderness of flesh and sex for sale, families themselves become incubators of orphans and widows. Allah (ﷻ) wants our love to extend into care, compassion, and kindness while those who are in hot pursuit of their sexual wolfishness want love to deteriorate into debauchery and saturnalia. Whatever inhibitions man has over his sexual appetite, according to these playboy types, should be eliminated. If there are "religious" restraints they have to go; if there are moral suppressions they have to go also; and if there are any social restrictions they too have to be eliminated. The floodgates of sexual "freedom" have to be wide open for humanity to pursue its "happiness" and "satisfaction." Sex has to be released and given a free reign. And if that means that it will lead to broken hearts, then those broken hearts belong to a time period of romanticism that is outdated. And if this free sex is going to fray some nerves, it is only an evolutionary price to be paid on the way to emancipation, freedom, and "being all you can be." And if this liberated sexuality means that families are going to have to crumble, then the concept of family itself is outdated, outmoded, and out of use. And finally, what happens to the concept of *'ird* (a woman's honor or a female's fiber)? That will also have to fold for the new era of sexual emancipation.

As we can so clearly see: Allah (ﷻ) wants human beings to love and get married, to love and procreate, to love and have fam-

ilies, to love and extend their social responsibilities, to love and protect their moral selves, to love and build loving societies, and to love and care for each other. But those who are inebriated with lusts want them to sleep around without marriage, to have sexual love and anti-create, to enjoy sex and divorce, to have sexual relationships outside of marriage, to relish sex without any moral consideration thereof, and to covet whomever they are infatuated with, not thinking of any moral or medical consequences. Sex rules! Those who take some time out from this morass to reflect know that Allah (ﷻ) wants us to choose an ascending direction whereas these carnal creatures want us to choose a descending one. Allah (ﷻ) wants society itself to become a family of responsible and moral love whereas these auto-erotic animals want our bedrooms to become barns.

Today's unscriptural, un-Qur'anic, and un-Islamic world has managed to make inroads into the minds and emotions of young people who throw sex parties around the world, especially in cosmopolitan areas and urban centers. These gatherings are nothing but unrestricted and unrestrained promiscuity. Humans have a choice between an illuminating ascent to Allah (ﷻ) and a descent to the immoral emotional heat of Satan. It is the human will here that proves itself by choosing for itself. And if the choice is what exists in the world today, it is we who are to be held responsible for our very own choice.

We cannot think we are where we are today in family and social meltdown because this is an "act of nature." We collectively are suffering because we have made the wrong decisions and opted for the wrong choices. We have a world today of sexual perversions of many types. And we cannot believe that these perversions would be around in the manner they are had people chosen the scriptural definition of love and affection. Let us take a glimpse at some of the sexual deviations that resulted from the proliferation of anti-scriptural meanings of sex and love.

In the first instance there are people who experience or suffer from *algolagnia*, which is the sexual pleasure derived from enduring or inflicting pain as in masochism or sadism. *Masochism* is the desire

to subject oneself to physical or mental pain, humiliation, or punishment, for erotic pleasure, to alleviate guilt, or out of a destructive impulse turned inward.<sup>104</sup> *Sadism* is the tendency to derive pleasure, usually sexual, from inflicting physical or mental pain on others.<sup>105</sup>

*Voyeurism* (also known medically as *scoptophilia*) comes from the French verb *voir*, meaning *to see*. It describes a man or woman who looks at a member of the opposite sex (although voyeurs can also be homosexuals) in a state of undress, when he or she is not supposed to. A person who enjoys watching strippers or nude performers in a movie is not considered a voyeur; the voyeur obtains his or her primary arousal in looking at a man or woman without his or her knowledge or permission. To some extent, voyeurism is a form of compulsive behavior. The voyeur feels driven, periodically, to seek out situations in which he may, unobtrusively and without consent, observe another person getting dressed or undressed or engaging in a sexual activity. The sexual satisfaction achieved by the voyeur may extend to manual stimulation of the genital organs, although this is not always the case. Voyeurs may have conventional sex lives but still obtain great satisfaction from their clandestine activities. While most voyeurs look but do not touch, some have assaulted the people spied upon. Because of this, some seculars view voyeurism as a serious crime. Voyeurs are found in all ages and categories from childhood on, although most seem to outgrow the practice in middle age. In most cases in secular society, voyeurs are male heterosexuals — the ratio of male to female is said to be 9:1. The only possible explanation for this is the fact that males are more stimulated by viewing the opposite sex in various stages of undress than the other way around.

*Zoophilia*, also called *bestiality*, means having sex with animals. While some of the stories about such activity are mythical it is an activity that does occur. Even though the number of men who engage in this serious sexual deviation is very small, it is another indicator of what happens in societies when human sexual love deteriorates into hedonistic lust.

These are symptoms belonging to societies that have chosen to descend into a lifestyle characterized by “free love” and “sexual free-



dom.” Even in the time of the Islamic transformation in Arabia from immoral human sexual relations to moral levels and standards there was resistance by the deviants and perverts. And today human nature is still around; and thus there still are the debased and the depraved who peddle their cheap interpretations of sex through the agency of social advocacy establishments and policy positions that have commercial enterprises behind them encouraging this departure from Allah (ﷻ).

The wording of this *āyah* makes a person feel the closeness of Allah (ﷻ) and how He cares for him, **“Allah wants to reduce your burdens: for man has been created in a state of susceptibility.”** These words fit into this context when Allah (ﷻ) is speaking to man about his own fragile human nature, which He understands all too well and man does not. Allah (ﷻ) clearly does not intend to break the back of man by asking him to do what he cannot do or is barely able to do.

In these everlasting words is the beauty together with the passion: we feel that Allah (ﷻ) feels for us. He does not want us to run against a brick wall as we navigate the reality of our own vulnerable human nature, which He created. The distinction that Muslims have — which the Israeli experience with revelation does not have — is the fact that we are located on the “light” side of human nature. The Muhammadi approach to human nature is not heavy, leaden, or oppressive. There were many laborious laws the Israelis had to live with, not necessarily because Allah (ﷻ) wanted it that way but rather because the dogmatic and literal character of the Israelis themselves made it that way. In this ebullient Qur’an we sense how transparently and blissfully we absorb these *āyāt*, interact with their meanings, and live them out, unburdened by the rancor, the rigor, and the reactions that come from a confrontational mentality more characteristic of the Israelis around the Prophets (ﷺ) than of the Muslims around the final Prophet (ﷺ). In this mild blending of human willpower with human nature and its urges and needs emerges a blooming human being who goes from lesser to higher development, the process continuing throughout life without running into a “sick and tired,” “suicidal,” or “depressive” dead end.

The salient feature of how our willpower, with its aspirations to higher standards, and our human nature, with its carnal preoccupations, seem to clash within us is demonstrated by the relationship between the sexes. When it comes to gender relations, some people think that revelation, scripture, and Islam are harsh on human beings. They want people to believe that man should just “let it be” or “do it” or “get down” and forget about the repressive and bothersome words from God that tax their nerves and stifle their lives. These currently prevalent voices are living a delusion. If people were to release their lusts, unleash their cravings, respond instinctively to their sexual call of nature, and do all that as a lifestyle void of any discipline or higher purpose, then the whole scenario will eventually turn against the decency and balance that are required for an orderly society and a sanguine individual. Sex in the human domain is not the same as sex in the animal kingdom, despite the remonstrations of secular social scientists and natural selection advocates. Sex between male and female in the world of social beings — *insān* — has a moral component to it. And because of that it serves a higher social purpose. Sex that is driven by lust even though it may be embellished with the rhetoric of “freedom,” “liberation,” and “emancipation,” amounts in the long run to thralldom, serfdom, and enslavement. Many personal and societal problems begin to entrap all those who thought that by liberalizing sex they would have a good time.

### **Christian Sexual Parochialism Presages “Sexularity”**

Sexual relations are an informative way to gauge where a civilization is along the spectrum of its own survival: in an ascending direction or in a descending one. Previous well-known civilizations were, among other things, undermined by sexual perversion, sexual impertinence, and sexual exposure. In a non-scriptural world sexuality is a domain with rampantly blurred boundaries; it changes meanings from one crust of society to another and is often culturally specific. While these *āyāt* here, 4:24–35, are in the process of defining the moral principles, regulatory parameters, and social

relationships of sexuality, it would be quite timely to juxtapose this Qur'an — the word and world of Allah (ﷻ), which has elevated and cleansed the notions of sexuality with higher moral responsibilities — with how the lower instincts of man and the carnal drive in him have been exploited by the sexual mayhem predominant in today's secularism.

The narrowest definition of permitted sexual activity, characterizing the Judeo-Christian position of many centuries, is *vaginal intercourse (behavior) between a male and female, both of whom are adults and married, and who have intercourse with the express intention of procreation*. However, sexuality in general covers an immeasurably larger area, not only of alternative behaviors,<sup>106</sup> but also of relational/gender conduct that can virulently rebound on the involved individuals as well as lead to the much more far-reaching social toxicity in the society in which they are allowed or countenanced (sex between two members of the same sex, between an adult and a child, or between a human and an animal).

Sexuality is often defined to include more subtle aspects such as attraction and arousal, and to cover the legal, ethical, and social mores that will circumscribe or evaluate such activity. The exact form of such evaluation differs dramatically in the various nuances of the secular God-denying society; thus what is permitted in one secular culture may be proscribed in another. For instance, all societies in the God-disavowing culture prescribe incest taboos but they differ widely in what behaviors constitute incest; some of these types of societies prohibit homosexual relations, while others make them obligatory in some contexts.<sup>107</sup> This secular mumbo-jumbo about “sexuality” makes it impossible to offer a single definition, thereby underscoring the point that sexuality has become a socially constructed and maleable concept in societies opposed to its God-given meaning and reference.

The reason why civilizations are either consolidated by proper sexual relations or ruined by improper sexual relations is that they either abide by or stray from Allah's (ﷻ) definition of responsible and moral sexuality. Thus, it becomes rational in straying environments to say that certain distinctions are useful to differentiate

common aspects of sexuality. In the past, *sex* versus *gender* has been understood as differentiating the biological and physical basis of sex — male as opposed to female — from the social and psychological beliefs and aspects of behavior appropriate to a person of a given sex, that is, masculinity in contrast with femininity. Biologically, sex identification is made, usually at birth, from inspection of the genitals and is defined genetically by the X and Y sex-determining chromosomes to form XX (female) or XY (male) identity.<sup>108</sup> In the more recent years of an over-sexed Western civilization *gender* has been used especially in feminist contexts to refer to all aspects of female identity.<sup>109</sup>

The non-disciplined Western or secular accommodation of sexual deviations explains sexual orientation in how a person relates and behaves sexually to members of the same and/or opposite sex. This would include exclusively heterosexuals (those who have sex with the opposite sex), bisexuals (those who have sex with both sexes), and exclusively homosexuals (those who have sex with the same sex).

Because the Judeo-Christian tradition has had such a strong impact on thinking about sexuality in Western and even non-Western societies, it is important to trace the origins of this peculiar sexual chaos and contrast it with other traditions and cultures. The two stories of Creation in the Book of Genesis contain an important divergence in accounting for sexuality. The later Priestly account (Genesis, 1:1–2:4) stresses the reproductive: male and female are made simultaneously and are commanded to “...be fruitful, multiply, fill the earth, and subdue it.”<sup>110</sup> In the earlier Yahwist account (starting from Genesis, 2:4), God forms man from dust and afterward forms woman from his rib to be “...a helper suitable for man.”<sup>111</sup> The subsequent tension between the reproductive and companionate/pleasure aspects of sexuality has its beginnings here. Later Judaism developed a strong commitment to procreation and propagation, and never developed the notion of celibacy as preferable, or even as good. While premarital virginity of the woman was valued as necessary, male virginity was not viewed as especially meritorious, though “fornication” was reprimanded and rape was

punished by death. Probably the most heinous sexual sin was adultery, especially by the woman, since this had consequences for property transmission. The Levitical Holiness Code<sup>112</sup> forbade in differing degrees a number of sexual practices, including transvestism, bestiality, and male (though not expressly female) homosexual intercourse.

Members of the early Church — both in New Testament times awaiting the Parousia<sup>113</sup> and into succeeding centuries — quickly gained a reputation as ascetics and celibates, exceeded often only by their heretical rivals, including the dualist Gnostics, the radically anti-sexual and anti-marriage Marcionites, and later the Manichees who included St. Augustine of Hippo (born 354CE) among their converts.<sup>114</sup> The Manichees had a distinctively double attitude: sexuality was a powerful and dark, fearful force; sexual desire and procreation stood in stark contrast to true creation, polluting the Kingdom of Light. But the sexual impulse and desire could be forever transcended and banished, and the Adept or Elect, to whom marriage was forbidden, could achieve total freedom from its dark and disturbing power. The more lowly *catechumens* (the new converts being taught the principles of Christianity by catechists), also called the Auditors, by contrast were not thus bound and young Augustine, aspiring to be an Adept (someone who is highly skilled), still kept his mistress while wrestling with his sexual desires. Through his writings, it was St. Augustine's conversion to Catholic Christianity in 387CE that introduced much of this Manichaean heritage into Catholicism, casting a long shadow over the subsequent history of Western philosophy and the theology of sexuality.

Virginity and celibacy were lauded and elevated to a place of honor, and marriage was simply permitted to those who could not thus aspire. The downgrading of marriage as second-best received its most trenchant statement in Canon 10 of the Council of Trent's 24th session, "Virginity and celibacy are better and more blessed than the bond of matrimony."<sup>115</sup> Details of the highly elaborate sex-negative prescriptions are well illustrated by *The Penitentials* — confessors' handbooks that developed with the rise of private auricular (pertaining to aural transmissions) confession from the sixth centu-

ry onward.<sup>116</sup> In and of itself, intercourse was evil — an animal lust — and only in marriage (and then only in a circumscribed manner) did it become acceptable, since procreation was its only permitted intention and goal. All other sexual activity, and indeed intercourse in marriage where the aim was not procreation, was sinful; *The Penitentials* at various points also forbade sex in Advent, Lent, on Wednesdays, Fridays, while the wife was pregnant or menstruating, in daylight, naked, etc.<sup>117</sup> Obviously, anything which frustrated procreation was equally sinful, and non-vaginal intercourse, masturbation, *coitus interruptus*, abortion, and primitive, if largely ineffective, contraception fell under this heading.

Moreover, the position of woman was hardly flattering. She was the cause of the Fall (of Adam) and the origin of sexual temptation, and had few rights in either sexuality or the ownership of property. The conjunction of Virgin and Mother in the person of Mary (☩) corresponded all too well to the normally incompatible sexual goods of chastity and procreation, and while none can truly emulate her, the ideal she presents and the devotion she is given, promulgated in large part by male clerics, came to act as a major focus for the values of chaste motherhood and feminine submission. The somewhat dangerous principle of “*Potuit, deceit, ergo fecit: [God] could, it was fitting that He should, so He did,*” when applied to aspects of Mary’s (☩) life and death meant that she was elevated into a uniquely exalted position, and hence came to typify the desired female virtues to an exaggerated degree. The woman’s position vis-à-vis man’s was at the same time demoted through an over-literalist interpretation of the Yahwist Genesis account of the woman as man’s helper, reinterpreted as his subordinate. This subjugation of woman to man was expressed particularly badly by St. Thomas Aquinas,

In a secondary sense the image of God is found in man, and not in woman: for man is the beginning and end of woman; as God is the beginning and end of every creature.<sup>118</sup>

The culture of asceticism and anti-eroticism became the prevalent and indeed the ruling orthodoxy for many centuries, even if more liberal and sex-accepting voices and opinions were occasionally heard. However unpalatable it is to the Christian tradition, it cannot be denied that this highly distinctive — and disturbing — perspective still permeates much of Christian thinking and pronouncement about sex and gender.

As a sub-context, the “secret history” of the lives of ordinary folk in this period is harder to fathom, since there are few reliable sources. Clerical celibacy was becoming, somewhat fitfully, the norm in the West, and local clergy and peripatetic (wandering) friars certainly left little doubt in the minds of the faithful about the Church’s official teaching. But actual behavior was often radically different, even among the clergy. Marriage was probably a prime concern of the laity, as in most European countries the transmission of property demanded that there be a male heir, and couples would often not seek marriage until pregnancy (to prove fertility and the possibility of male offspring) or until the sex of the newborn had been established. If offspring were to be avoided, methods such as *coitus interruptus* and anal intercourse were often used. Since infant mortality was very high, women’s lives were often taken up almost entirely with pregnancy, birth, and upbringing.

Until the Council of Trent, marriage needed neither Church approval nor priestly participation to be valid; the exchange of vows between the man and wife constituted the sacrament. Surprisingly or not, prostitution was often viewed as a “necessary vice,” and what evidence there is from folk sources indicates fairly primitive reaction to the pretensions and hypocrisy of many clergy and ecclesiastics. Although the notion of “romantic love” (in origin, the highly stylized and elitist — but essentially unconsummated — longing of the troubadour for the lady) took centuries to diffuse into the lives of ordinary folk, the belief that “fornication is no sin if accompanied by love” has long been prevalent. The “liberating” spirit of the Renaissance, with its return to concern for and sensuous appreciation of the body, remained a minority concern in its beginnings, but ultimately came to influence all.<sup>119</sup>

Reformation and counter-Reformation brought astonishingly little change to Christian views of sexuality.<sup>120</sup> Certainly marriage of Western clergy was a major change (or reversion) and may have forged a bond of sympathy between clergy and laity, and the virtual abandonment of virginity and celibacy as “preferred states” in the Reformed tradition contrasted starkly with the continued Catholic practice. But the aims and legitimacy of such marriage differed little from the earlier tradition, and continued virtually unchanged until the 20th century.

In the West, industrialization contributed to the “de-moralization” and failing of the sexual bond. Ultimately these changes drastically altered the traditional attitudes toward sex and gender. Initially, however, the growth of modern medicine seemed largely to support traditional values. Over-indulgence in sexual activity and masturbation were repeatedly identified medically as the causes of many physical (and later, psychological) pathologies. In the 16th century, the ravages of syphilis (whose actual three-stage progression was not understood until the 19th century) understandably, if erroneously, were attributed to sexual promiscuity, which was assumed to lead to the delayed, but lethal, third stage. Right up to the mid-1940s, when penicillin was discovered to be an effective cure, medicine and religion joined to lay at the door of sexual activity — especially pre- and non-marital or illicit sex — the cause not only of these “venereal diseases” but a goodly number of other conditions. In our day, AIDS is an heir to this dereliction of sexual discipline.<sup>121</sup> An important stage in providing medical evidence for supposed sexual pathologies followed Tissot’s theories from the 1750s that wastage of vital fluids from the body could, and ultimately would, be lethal.<sup>122</sup> Semen was specifically implicated due to excessive sexual activity, especially when discharged for pleasure as opposed to reproduction, and particularly through masturbation, which was made responsible for a series of outcomes from madness to rheumatism. Women became entangled in this pathology, and the old echoes of Christian frigidity were sounded in William Acton’s warning in 1871 that “God had created females indifferent to sex in order to prevent the male from losing his vital energy through senseless sexual activity.”<sup>123</sup>



With the eruption of Darwinism and technological advances in the 19th century, the claims of medical science to diagnose and cure organic and psycho-pathologies, the growth of psychotherapy (and especially psychoanalysis), and the birth of social sciences such as political economy and demography, interest in sexual activity increased dramatically, but not without major opposition. The 19th-century vocabulary for sexuality began to expand beyond the domain of Christian theological terminology, and widespread professional acceptance of Freud's assertions — that sexual issues concerned with childhood underlie all neuroses — shifted attention to sexual matters in a dramatic fashion.

With a rapidly declining death rate after 1850, and continued high birth rate, the catastrophic overpopulation foreseen by Reverend Thomas Malthus in the 18th century began to become a reality, and increasing material aspirations of the middle class led to sufficient motivation to adopt contraception.<sup>124</sup> The vulcanization of rubber<sup>125</sup> and the development of feasible methods of contraception involving the new condom made this possible, but not without bitter opposition from clergy and a number of notorious and bitterly fought court cases (such as the Bradlaugh-Besant trials).<sup>126</sup> With increasing use of condoms, and later of the contraceptive pill, it became possible for the first time to plan the size and spacing of families, and to allow the idea of sex for pleasure to become a permanent reality.

Knowledge of the sexual behavior and attitudes of other cultures was scant indeed in the West. Unrestrained Greco-Roman lifestyles were certainly known — in a detailed fashion, only to the classically educated fraction of the population — and bitterly opposed by earlier generations. Even then, the most reliable texts were subject to editorial *bowdlerization* (censorship of all passages considered to be indecent) to disguise different practices, such as blatant gender change in the case of homosexuality. Some began to describe and popularize the ways in which other historical cultures dealt in radically different ways with sexuality, and from the 1930s anthropologists such as Ruth Benedict and Margaret Mead (1949) described how the Western equivalencing of sex role and gender

(aggressive “masculine” males and submissive “feminine” females) was dealt with in totally different, and possibly more stable, ways in other cultures.<sup>127</sup>

Malinowski’s classic study of sexuality among the Trobriand Islanders, *The Sexual Life of Savages in North-Western Melanesia* (1929), served the dual purpose of providing a comparative ethnography of a vastly different sexual culture and of questioning the supposed universality of Freud’s postulated Oedipus Complex.<sup>128</sup> Although earlier accounts have been criticized, much detailed, extensive and reliable historical, anthropological, and sociological evidence is now becoming available. What such studies have shown is how contingent Western sexual arrangements are and how limited and ethnocentric Western views of sexuality are. Anthropological studies have demonstrated that sexual activity and attitudes divorced from their cultural contexts are either meaningless or readily subject to misinterpretation when thus abstracted.<sup>129</sup>

Sociological studies show equally that not only conceptions of the body, procreation, etc., but sexuality itself is a social, and often historical, construction; some argue that an *essentialist* position, where sexuality is an inherent “given,” is consequently untenable.<sup>130</sup> They suggest that sexuality needs to be seen not only in a given cultural setting but also as an interactional and relational negotiation.

“Empirical” studies of sexual behavior are at an interstitial stage. Some Western social scientists (who are of course devoid of Qur’anic knowledge pioneering socio-biological work) have mapped the detail of male and female sexual behavior and its social determinants, using the notion of *sexual outlet* to understand the repertoire of sexual behavior in which an engaged individual experiences an orgasm. In the case of males, these types of behavioral scientists divided sexual behaviors, somewhat idiosyncratically, into masturbation, nocturnal (involuntary) emission, petting, vaginal intercourse, homosexual activity, animal contact, and “spontaneous” outlets. These categorizations were found to vary by educational level, social class, ethnic group, and religious identification. In terms of findings, the least sexually active were Orthodox Jews, devout Catholics, and active Protestants (their

designations), and the most sexually active were those least religiously active as Jews, Catholics, and Protestants.<sup>131</sup>

Later studies by other Western social scientists of the (primarily physical) sexual response were based upon clinical and laboratory studies. They argue that male and female sexual excitation follows a standard four-phase pattern — excitement, plateau, orgasmic, and resolution — and that functionally heterosexual and homosexual responses have more similarities than differences! These and similar studies monitored and exemplified the post-WWII moves toward more sexual experimentation and receptivity, and a concern for behavior and performance.

Until the middle of the last century, sexual mores were slow to change, but with the advent of the contraceptive pill that made coitus entirely free from fear of pregnancy, behavior and attitudes began to change from the younger end upward, with considerable demographic consequences. Premarital sexual activity, including intercourse and cohabitation before marriage, became widespread during the 1960s among younger people, and serial (virtual) monogamy and divorce became a common pattern. Even among Roman Catholics, who are considered to have the highest moral character, and especially among middle-class members, “artificial” birth control has become very widespread, and the number of children and the life span devoted to procreation and upbringing have declined systematically.<sup>132</sup>

The contemporary secular contributions of psychology, biomedical science, and social sciences such as anthropology and sociology have had an immense impact on the thinking about sexuality, as has biblical and historical criticism. While there is some degree of continuity, most of these contributions conflict dramatically with historical “Christian” positions. Churches have made pronouncements that take this material into account, but the Roman Catholic and Orthodox hierarchies and fundamentalist evangelical churches maintain a virtually unchanged position of approving only procreative sexuality and condemning not only sex for pleasure but also contraception, abortion, homosexuality, and even masturbation. Anglicans have moved slowly and somewhat

more cautiously than some liberal Protestant churches, but still remain very conventional in sexual attitude. While many professionals and lay Christians have increasingly taken views at variance with the official Church positions, there has been little evidence of any systematic rethinking in theological terms, perhaps because to do so would involve the unwanted clash between secular and religious authorities.

Even though traditional modes of thinking remain most common, a radical rethinking of a theology of sexuality may be taking place in the turbulent social ideas of the secular West. Some thoughtful behavioral scientists are moving in a mental direction that considers the inherent goodness of sexual pleasure, the recognition of God working in the complexity and chaos of human relationships, the need to study and learn why there are sexual deviations, and the desire to have sexual ethics based upon sex as God's gift, and hence to begin to think of the church as a sexual community.

The whole rethinking of "sexuality" (sex in a secular world) has to take account not only of the traditions that are firmly rooted in some societies but also, especially, of the insights and impact of the human sciences on thinking about sexuality. Deciding on the moral aspect of sexuality can only be done with authority when it comes from the Creator Himself and not from relative humans who are prone to understand everything from history to sexuality in relative terms. Historically, Christian thinking on sexuality has been largely negative and continues to be so. An adequate theological rethinking has a chance to succeed if humanity is able to be objective enough to look and think of what Allah (ﷻ) has to say about this whole issue in this open Book. This may not happen very soon; but the sexual chaos that has brought mankind multiplying problems is quickly closing in on all humanity. The only way out is for us to listen to what Allah (ﷻ) has to say about this growing and expanding dysfunction.

**STDs: Nature's Plague against Human Sexual Perversion**

With the above historical backdrop, let us now take an objective look at the state of sex in the “advanced, modern, and liberated” world. The first thing to note as a matter of “liberation from God” and “sexual freedom” is sexually transmitted or venereal disease — a wide range of infectious diseases usually transmitted by sexual contact and occasionally in other ways. One of these diseases is AIDS (Acquired Immune Deficiency Syndrome) for which there is no specific treatment; similarly, there is none for a hepatitis B virus infection. Syphilis, gonorrhea, and chancroid seem to respond to appropriate antibiotic treatments.

AIDS has become a thriller and a killer. The magnitude of human suffering and death caused by AIDS has made it the plague of the last generation of the 20th liberal century and the first generation of the 21st. In the early-1990s the two known AIDS viruses had infected more than an estimated 13 million individuals worldwide: 1–1.5 million in the United States, 10 million in Africa, and 2 million in Asia, and the viruses are still spreading.<sup>133</sup> At present there is no vaccine or cure for AIDS.

AIDS is caused by one of two human immunodeficiency viruses (HIV). These viruses, identified by the abbreviations HIV-1 and HIV-2, cause disease by infecting and destroying blood cells called lymphocytes that protect the body against infection by a variety of bacterial, viral, and parasitic microorganisms (microbes), many of which are encountered daily during the normal course of living.

The origin of HIVs is unknown, but much scientific information suggests that they originated in Central Africa. Tests for HIV-1 done on blood specimens collected in northern Zaire in 1976 established that this virus was present in a small number of persons who had spent most or all of their lives in a remote, rural area there. Tests of blood taken from African green monkeys from the same geographic region led to the isolation of a virus (SIV-1 or simian immunodeficiency virus) closely related to the human HIV-2. A mutation of SIV-1 or related viruses is the probable origin of HIV-1. This conjectural evidence does not, however, prove the African origin of HIV-1.<sup>134</sup>

In the early-1980s the first cases of AIDS in the United States were recognized by physicians who were treating homosexuals in Los Angeles. They found among homosexual men an unusual type of pneumonia caused by the yeast-like fungus *Pneumocystis jirovecii*. This fungus causes illness only when the immune system has been severely weakened by drugs or disease, and is known as an “opportunistic” pathogen. Investigations of these and subsequent cases determined that HIV could be transmitted during sexual contact or through blood, either by transfusion of blood or blood products containing the virus, or by sharing injection needles and syringes contaminated with HIV-infected blood. Most AIDS cases in North America, Europe, and Africa are caused by HIV-1. HIV-2, which occurs mainly in West Africa, destroys lymphocytes at a slower rate than HIV-1.

The United States Centers for Disease Control and Prevention (CDC) reported in the mid-1990s that there were around 400,000 reported cases of AIDS and over 200,000 deaths from the disease in the United States. In 1993, 105,500 new cases of AIDS were reported, although 46% of this increase can be attributed to a broader definition of the disease, adopted by the CDC in 1993. Of the new cases reported, over 6,000 women and around 3,000 men were infected. About half of these cases were attributed to sexual intercourse with an HIV-infected partner; nearly half resulted from intercourse with an infected intravenous drug user.<sup>135</sup>

HIV-1 was first isolated from AIDS patients in a laboratory culture in 1983 by research laboratories in the United States and France. Because culturing the virus is so expensive and time consuming, HIV infection is diagnosed with tests to detect HIV antibodies in the blood. These antibodies usually appear in the bloodstream three to eight weeks after infection and remain positive throughout the course of the infection. Other tests can detect HIV in the blood in a few days after infection but these are impractical for routine use. Thus, there is a “window” of time after becoming infected with HIV when a person can have a negative antibody blood test but be able to pass the virus to his or her partner(s) and to those sharing injection syringes and needles.

The mechanism by which the HIV viruses infect and attack the body are similar: they circulate in the bloodstream within infected cells and plasma. The amount of virus present in the body increases with the destruction of HIV-infected lymphocytes, especially those known as CD4 lymphocytes, which play a critical role in the recognition and destruction of invading microbes. The course of HIV infection is divided into an early viremic stage; a middle stage, where there are few symptoms or signs of disease; and a late symptomatic stage, when other viral, bacterial, and parasitic infections occur.

In the early stage following infection, HIV may produce symptoms resembling those of infectious mononucleosis. This is followed by a variable period of several years, during which few symptoms are present except for persistently enlarged lymph glands. Infected persons usually develop illnesses from microbes they have previously been infected with and from which they have recovered. These “opportunistic” microbes may be normally present on the skin, in the air, or in food. When these opportunistic infections occur, the diagnosis of AIDS is made. Most frequent in the West is *Pneumocystis jirovecii*, a fungal parasite that causes an incapacitating and frequently fatal pneumonia in the later stages of HIV infection. Other common opportunists are *Toxoplasma gondii*, which invades the brain; and herpes and cytomegaloviruses, which infect the brain, eyes, and lungs. In Africa and Asia the most frequent opportunistic microbe is *Mycobacterium tuberculosis*. Several of these infections can generally be forestalled if certain drugs are taken prophylactically.<sup>136</sup>

Although AIDS can be acquired by transfusion or injection of blood or blood products contaminated with HIV, the vast majority of AIDS cases in North America, Africa, and Europe have been acquired by homosexual or heterosexual intercourse, or by the sharing of injection needles and syringes among drug addicts. Blood and semen are likely to be infectious at any time after infection, but other body fluids such as saliva and breast milk are also infectious, especially in the very early and late stages of the infection.<sup>137</sup>

In the United States the median life expectancy after HIV-1 infection is about 12 years. It is shorter in those infected by trans-

fusions of blood or blood products and in persons who lack access to good medical care. Treatment with antiviral drugs together with drugs to prevent infection by *Pneumocystis jirovecii* and herpes viruses improves the quality of life and may extend it a bit.

To make matters worse, there are an estimated scores of thousands of HIV-infected women who give birth every year. Between 25–30% of their children will be infected; about 25% of HIV-babies will develop AIDS in their first year of life, and 50% will develop AIDS by the age of three.<sup>138</sup>

The proliferation of the AIDS/HIV infection has had disastrous consequences among heterosexuals in Africa, and is growing more rapidly among socially disadvantaged groups in inner-city areas, especially in the Americas. Whether it is self-sustaining in the heterosexual population in Europe is still subject to debate, but the balance of professional researchers' opinions strongly suggests that it will become so. Whether the sexual behavior of heterosexuals will change and whether the AIDS/HIV infection will be seen as a threat is yet to be determined; careful probability-sample surveys of sexual behavior of the general population are now under way in many Western countries.

In the absence of curative therapies or a vaccine, the only way to avoid becoming infected is to steer clear of risk behavior. The only certain way to prevent contracting HIV sexually is to be celibate or monogamous with an uninfected partner. The use of male condoms provides some, but not absolute, protection, as may female condoms. The latter may offer added protection when used together with male condoms but, when used alone, they are not sufficient to prevent HIV infection. Condoms are not the answer for people who are running away from Allah's (ﷻ) words while trying to satiate their lusts. Experience has shown that a high percentage of HIV-infected persons will, over time, infect their sexual partner(s) if they continue to have sexual intercourse contrary to the way Allah (ﷻ) meant it to be.

Another way "nature" fights back against human sexual deviation is a disease called *chancroid*. Chancroid is a sexually transmitted disease causing painful genital ulcers, which are often accompanied



by swelling of the lymph glands, which typically drains the ulcer. Chancroid is caused by the bacterium *Haemophilus ducreyi*. It usually starts as a small pimple on the phallus (male organ) or on the labia, cervix, or walls of the vagina in women. Fever is usually present, and walking upright may be difficult if the groin lymph nodes are greatly swollen and have formed a tense pocket of pus called a *bulbo*. Some believe that treatment with antibiotics is effective as there appears to be no residual tissue damage, although women may develop a fistula between the posterior vaginal wall and the rectum. If left untreated, rapid enlargement of the chancroid ulcer can occasionally result in amputation of the penis.<sup>139</sup>

Other natural reactions to unnatural sexual contact are *chlamydia* and *gonorrhea*. In men, the most common sexually transmitted disease is infection of the urethra caused by the microbes *Chlamydia trachomatis* and *Neisseria gonorrhoeae* (gonococcus). Symptoms begin within a few days after sexual exposure, with the onset of painful urination and the discharge of pus from the urethra. These symptoms may be minimal or absent in up to 10% of infected men. Left untreated, the gonococcus can travel up the urethra and infect the spermatic cords (epididymitis) and testicles (orchitis). In rare instances, the gonococcus can also enter the bloodstream and potentially infect most organs and tissues, including the joints, skin, and nervous system. Symptoms of gonococcal bloodstream invasion include fever, acute arthritis, and blister-like sores on the extremities. If not treated in time or appropriately, healing results in scar tissue that may block the urethra and spermatic cord. This may often cause infertility and the formation of an abnormal opening in the penis (fistula) for passing urine.<sup>140</sup>

In women, gonococci and chlamydia infect cells lining the opening into the womb (endocervix). Usually asymptomatic infections occur unless these microbes enter the uterus (womb) and ascend into one or both fallopian tubes. There they can lead to an abscess, which may block one or both fallopian tubes, causing an acute fallopian tube infection (salpingitis) and abdominal pain. If the abscess is in the right fallopian tube, it cannot be easily distinguished from an attack of acute appendicitis. Without treatment,

scar tissue will form and possibly block one or both fallopian tubes. This may cause infertility or block the descent of a fertilized egg into the uterus and result in a tubal pregnancy. Male sexual partners of women who are diagnosed with salpingitis often have asymptomatic gonococcal urethral infections.<sup>141</sup>

Because as many as 50% of men and women with gonorrhea are also infected with chlamydia, treatment is routinely given to eliminate both types of microbes. Although penicillin was the treatment of choice for gonorrhea for many years, a large percentage of gonococcal strains have developed resistance to this drug, and the treatment of choice in the United States is now an injection of newer, more powerful, antibiotics.<sup>142</sup>

Another punishment of “nature” for deviant sexual behavior is *syphilis*. Syphilis was first recognized in the late-15th century in Europe, coinciding with the return of Christopher Columbus from the “new world.” Debate continues over the origin of syphilis: was it brought to Europe from the Americas, or did it arrive in Europe with West African slaves who were being imported by the Portuguese and Spanish at this time? At first, syphilis caused a massive European epidemic with a high fatality rate; the infection has become apparently less virulent over the ensuing centuries.

Syphilis is caused by *Treponema pallidum*, a spiral-shaped, snake-like microscopic organism, and one of the few bacteria that cannot be artificially grown in a test tube. Syphilis is known as the “great imitator” because it can clinically resemble so many other diseases. It causes a disease that progresses over time by stages (primary, secondary, and tertiary), with each stage separated by intervals ranging from months to years, during which no signs of infection are evident.<sup>143</sup>

Another barometer of man’s sexual perversion is *hepatitis*. Hepatitis is an inflammation or infection of the liver; infectious hepatitis is usually caused by a virus. There are several different types of acute viral hepatitis, the two most common ones being *type A* and *type B*. Early symptoms include loss of appetite, nausea, vomiting, fatigue, joint and muscle aches, headache, sore throat, cough, and fever. More severe cases develop jaundice (yellowing of the skin), weight

loss, enlargement of the liver, and abdominal discomfort. There is no medication or treatment that cures viral hepatitis although, in some cases, the body repairs itself within several months.

Type A hepatitis is generally the less severe of the two. It is most commonly transmitted by eating food, or drinking water or milk contaminated by feces containing the virus. It occurs most often in communities with overcrowding and poor sanitation facilities. Although not usually transmitted through sexual contact, type A hepatitis can be acquired by direct contact between the mouth of an uninfected person and the anus of an infected partner. A person infected with type A hepatitis may not develop clear symptoms or know that he or she has it. Almost all patients who are otherwise healthy recover.

The type B hepatitis virus is more likely to be transmitted sexually. It is only rarely found in feces, even from an infected individual, but is commonly found in semen, saliva, and vaginal secretions. Any of these body fluids may transmit hepatitis to another person during genital-genital, genital-oral, oral-oral and genital-anal sex.<sup>144</sup> Type B hepatitis is far more contagious than AIDS. The virus can be transmitted even without direct sexual contact. There may be nearly 2 million Americans who carry the virus and can infect other individuals; each year there are an additional 30,000 new carriers.<sup>145</sup>

Most cases of type B hepatitis recover after 3–4 months but about 10% are associated with severe liver damage and the illness can be fatal. In the United States, an average of 14 people die each day from ailments that occur more frequently following type B hepatitis, including cirrhosis and cancer of the liver. Worldwide, more than 5,000 people die daily from the aftereffects of hepatitis B, making this the ninth leading cause of death.<sup>146</sup>

Since there is no cure available once hepatitis has occurred, prevention is of the greatest urgency. One should certainly avoid any sexual contact with a known carrier of active viral hepatitis. Within the general population, however, some people are often unaware they are carriers of the virus. The use of a condom during sex, which the lust-laden individuals find as an escape route, may

offer some protection against transmission of the hepatitis B virus but this has not been definitely proven. Those at greater risk of being infected include homosexual men, anyone with multiple sexual partners, passive partners during anal sex, and those having sexual contact with a hepatitis B carrier.

More than 20 different microbes can be transmitted by sexual contact. These include bacteria, viruses (including the HIV viruses that cause AIDS), fungi, parasites, lice, and scabies. Several of these microbes can infect more than one anatomical site and many invade the bloodstream, which proliferates their spread to all organs and tissues of the body. It is also common for more than one sexually transmitted disease (STD) microbe to infect the same anatomical site simultaneously, especially the urethra, the opening of the cervix, and the rectum.

After going through these topical facts about the consequences of deviant sexual behavior, the pertinent *āyāt* from *Sūrah al-Nisā'* are indeed refreshing; they teach, guide, and discipline man lest he incur the immediate worldly punishment for his errant decisions to enslave himself to his lusts and desires. How invigorating it is to read the *āyāt* in this *sūrah* and appreciate Allah's (ﷻ) final and authoritative word on love-life, family-life, and social-life,

**Allah wants to make all this clear to you, and to guide you to the [virtuous] ways of life of those who preceded you, and turn to you in His grace: for Allah is All-Knowing, Wise. And Allah wants to turn to you in His mercy, while those who follow [only] their own lusts want you to drift far away from the virtuous path. Allah wants to lighten your burdens, for man has been created in a state of vulnerability (4:26–28).**

Love is not meant to be an isolated feeling; it extends into marital relations and family responsibilities. From this understanding it could be said that lust is sterile love. The ease that characterizes these heavenly instructions is demonstrated in all the merciful meanings in this holy Handbook (the Qur'an). Allah (ﷻ) speaks to

us about harmonizing our personal lives, He speaks to us about fraternizing our family lives, He speaks to us about organizing our social lives, and every time He speaks to us He shows His understanding and care. He understands our limitations and weaknesses and He cares for our well-being and salvation. If we were to glance at other *āyāt* throughout the course of this compassionate Compendium (the Qur'an) we will find these meanings resonating. The following *āyāt* demonstrate that Allah (ﷻ) does not want us to suffer distress in trying to obey Him, especially when we have the choice of obeying Him in a well-situated and measured way,

...and lift from them their burdens and the shackles that were upon them [aforetime]... (7:157).

Allah intends for you what is [humanly] easy to do, and He does not intend for you what is [humanly] difficult to do (2:185).

And He has not rendered affairs of *dīn* to be cumbersome (22:78).

Sexual relations between husband and wife, compassionate relations among family members, and friendly relations in society were all meant to make life a pleasant experience. The reason for this accommodating and tolerant way of life is stated so clearly in Allah's (ﷻ) words, **“And humans were created in a state of inadequacy [liability to failure under stress or pain].”** Human nature can easily become prey to its own lustfulness and craving; this is more pronounced in sexual attractions. Man is apt to yield to temptation. He may not be able to resist his sexual gravity. All this Allah (ﷻ) knows more than man himself. And that is why these ineffable instructions suit his human nature very well. Ibn 'Abbās identified eight *āyāt* that are particularly relevant to everyone as they instruct, enlighten, and inform. He said, “There are eight *āyāt* in *Sūrah al-Nisā'* that are of more value than anything the Sun has risen and set on.” And he quoted the following *āyāt* (in the order below),<sup>147</sup>

Allah wants to make [all this] clear to you, and to guide you to the [righteous] ways of life of those who preceded you, and to turn to you in His mercy: for Allah is All-Knowing, Wise (4:26).

And Allah wants to turn to you in His mercy, whereas those who follow [only] their own lusts want you to drift far away from the right path (4:27).

Allah wants to lighten your burdens — for man has been created in a state of vulnerability (4:28).

If you avoid the major sins which you have been barred from We will expiate your lesser sins (4:31).

Verily, Allah does not offend [anyone] by as much as a scintilla (4:40).

And whoever commits an offense or does injustice to himself then turns to Allah in repentance he will find Allah to be forgiving and merciful (4:110).

Verily Allah does not forgive the act of *shirk* but He forgives anything less than that to whomever He decides (4:48).

And those who are committed to Allah and His apostles and do not discriminate between any of them [the apostles] they are the ones who will be presented with their awards (4:152).

## Moral Values Have Their Monetary Equivalents

O you who are unwaveringly committed to Allah! Do not devour one another's possessions wrongfully — not even by way of trade based on mutual agreement — and do not obliterate one another: for, behold, Allah is indeed a Dispenser of grace unto you! And as for him who does this with malicious intent and will to do wrong, him shall We, in time, cause to endure [suffering through] fire, for this is indeed easy for Allah (4:29–30).

Whenever we hear the words *yā ayyuhā al-ladhīna āmanū*: O you who are committed to Allah in a firm manner, we know that what begins as a duty of a committed core of Muslims ends, by their efforts, in the inauguration of a social norm. In this instance it is this segment of pioneering and dedicated Muslims who are called upon to discontinue any illegal circulation of money, **“O you who are effortful in your commitment to Allah! Stop consuming illegal wealth among yourselves.”** Some novices would think the Qur’anic discourse is haphazardly jumping from one subject to another: at first, there was a social issue pertaining to widows and orphans, then there was a sexual issue about marriage and family, and now all of a sudden, there appears a financial issue referring to the generation of wealth and its circulation. In fact, however, all these issues are intertwined by the common thread of compulsions, desires, and obsessions within human nature. Deep within each human being are the parallel appetites for sex and wealth. The cure for the potential problems of an undisciplined life come from a remedy at the “appetite” level. And these divine utterances are meant to heal man’s problems at their source.

All *jāhiliyahs* (ignocracies) are infected by a social norm that gives those individuals who are in power the “right” to have women and to have money, or in other words to have sex and to have wealth, without any moral standards or observance of Allah (ﷻ) to circumscribe their sexual and financial pursuits. Out of this

interpersonal pandemonium and social chaos comes a call from Allah (ﷻ) directly to the conscience of man. It is this area in life that begs for man's involvement. And man has to prove whether he is able to live by God's words or by contradicting them.

In this *āyah*, Allah (ﷻ) is telling the pulsating self-consciousness in man that He wants all oppressive, exploitative, and manipulative practices with money to cease. The committed Muslims are the receptors to these words of responsibility by way of their cultivated moral sense. This means that they, the listening covenant carriers of Allah's (ﷻ) trust, are expected to abolish, setting an example therewith, foul monetary customs, conventions, traditions, and professions in society. Further, it means that in a society conscious of Allah (ﷻ), people shall not swindle or fleece each other. In an Islamic society where commitment to Allah (ﷻ) has a social domain and range, there is no commercial cheating and no shoddy deal. But much of this desired social integrity is not possible unless the committed Muslims themselves set the pace for the rest of society and purge their character of any kickbacks or bribes. For those who are prone to take a reductionist, personal improvement approach, this is not referring to the simple *bakshish* given to the porter at the hotel; rather it is talking about contemptible financial dealings that offer bribes and gifts in exchange for legislative favors. Accepting such bribes should become an offense and a crime. Kickbacks are illegal arrangements by which an employee gives back a portion of his salary to an employer, hoping to curry favor or gain future influence through this sly move.

Gambling is another form of immoral and illegal exchange of money. Gambling or gaming concerns the staking of money or anything else of value on the outcome of a competition. Forms of gambling include betting on sporting events, casino games like blackjack and roulette, card games such as poker and bridge, slot machines, or lotteries. Gambling, especially institutional and "legal" gambling, is making a huge comeback in the materialistic societies of the West, and particularly in the United States where for many years in the past certain forms of gambling were illegal. But "revenue needs" in state and local governments led to the legalization of some



gambling operations, such as casinos, state-wide lotteries, and off-track betting parlors. With burgeoning gambling venues available on the internet, a casino at your fingertips so to speak, coupled with electronic credit, what were impediments in the past (state, provincial, and national boundaries) are no longer tenable, and thus gambling is truly a multibillion dollar, worldwide operation. The habit can be addictive, and to rehabilitate compulsive gamblers, Gamblers Anonymous was set up in the US in 1957.

Hoarding and monopoly are also barred from a society that yields to Allah (ﷻ). Monopoly is the domination of a market for a particular product or service by a single company or individual, who therefore has no competition and can keep prices high. In practice, a company can be said to have a monopoly when it controls a significant proportion of the market. Theoretically, in the US, antitrust legislation has been used vigorously and selectively to break up and prevent the growth of monopolies, such as the American Telegraph and Telephone Company (AT&T), which was divested in 1984 to “ensure” competition.<sup>148</sup> A *monopsony* is a situation in which there is only one buyer; for example, most governments are the only legal purchasers of military equipment inside their countries.

Monopoly exploits may become the precursors of an *oligopoly*, a situation in which a few companies control the major part of a particular market and concert their actions, also called *collusion*, to perpetuate such control. This may include an agreement to fix prices. An Islamic economy that is built upon an Islamic conscience, which is bred with Islamic morals, cannot permit the division of wealth along these polarizing and conflicting lines in society, leading as they do to a wealthy few and an impoverished many.

The transnational expression of these illegal monetary practices becomes the *cartel*, an agreement among national or multinational firms to set mutually acceptable prices for their products. A cartel may restrict supply, or output, or raise prices to prevent entrants to the market and increase member profits. It therefore represents a form of oligopoly. National secular laws concerning cartels differ widely, and international agreement is difficult to achieve. Both the Treaty of Rome and the Stockholm Convention,

governing respectively the European Community (EC) and the European Free Trade Association (EFTA), contain words on paper about control. In Germany, cartels are the most common form of monopolistic organization.

And finally, *ribā* (usury) stands at the top of the list when it comes to barring illegal, immoral, and polarizing financial transactions within an Islamic socio-economic domain. Satisfactory trade, though, is legal. However, this acceptable trade has to be stripped of all usurious associations and adulterations. There are certain financial interests with powerful influence who have the wherewithal to construct and broadly communicate — through think tanks, professional associations, and academic advocacy — a rationalizing narrative, and can thus pressure ordinary people to believe that trade and *ribā* are alike. But in light of the information from Allah (ﷻ) in *Sūrah al-Baqarah*, which rebukes these theories and notions of the mega-monetary monopolies when they say, **“But selling is akin to *ribā*...” (2:275)**, man has been given enough substantial and reliable information to distinguish between pure market transactions on the one hand, and polluted and nasty *ribā* transactions on the other. Allah (ﷻ) ended all arguments in favor of *ribā* by saying, **“...and Allah has made commerce permissible and He has made *ribā* inadmissible” (2:275)**. Usurious capitalists always want to defend their financial system, which is *ribā-centered*, *ribā-oriented*, and *ribā-specific*. They can weave around *ribā* as many theories as they want but the facts of life will always be what Allah (ﷻ) says and not what they say: *ribā* is exploitative, *ribā* is oppressive, and *ribā* is *ḥarām*.

Mercantilism and business enterprises do generate profits but they are also exposed to the possibility of losses; whereas *ribā* commercialism works in a way that shields its practitioners from the possibility of market losses. Therefore, even though there are superficial similarities between the two — trade and *ribā* — the fact of the matter is that trade is a consensual exchange of value while *ribā* is an imposed exchange of value. A practical and enforceable demarcation line must be drawn between these two irreconcilable economic programs. But in order to be able to do that, a govern-

ment, a state, and an executive authority, dedicated to that end and backed up by a military that can stand up to imposed warfare from the agents of legalized *ribā*, must exist. Such a responsibility cannot be left up to the “goodwill” of individuals in a lucrative position to make bundles of profits out of guaranteed revenue from the passive will of people in consumer status who sweat to pay exorbitant amounts of money to honor their artificially inflated debts.

Positive trade is healthy for society because both sides of the transaction are pleased. The manufacturer of a product or the provider of a service renders his commodity or effort to a purchaser or patron who benefits from the item or service. The purchaser remunerates the provider a value that is consistent with market variables, details, dynamics, and resources of the time. This turns out to be a benefit for the producer or manufacturer. Thus, from both sides there is a sense of satisfaction and peace of mind. There is also the fairness of a market mechanism that carries within it a possibility for “loss.” To put it in economic lingo: trade from resource management to market strategies to consumer delivery has its assets and liabilities — unlike *ribā* transactions, which have a fixed asset without any chance of liability.

*Ribā* is the backbone of capitalism, an economic system in which the principal means of production, distribution, and exchange are in private (individual or corporate) hands and usuriously operated for profit. A “mixed economy” combines the private enterprise of capitalism and a degree of state monopoly, as in nationalized industries. Both exclude the satisfaction that comes from the popular will.

When the Islamic power base began to shrink in the affairs of the world, basically beginning in the 18th century, a set of economic arrangements were formalized in 19th-century Euro-American societies following the Industrial Revolution, though with antecedents in other societies, notably 11th-century China. This is when *ribā* expanded into its full-fledged, capitalist manifestation. The deconstruction of capitalism, due to the decline of Islamic thinkers who could properly diagnose it through the criteria of *āyāt* and hadiths, was thus relegated as a major occupation of secular

political parties on the left. As the consuming thesis of his writings, Karl Marx provided the scholarly foundation for the problems with capitalism, which he defined as private ownership of the means of production by the *bourgeoisie*, or capitalist class.<sup>149</sup> In his view, the workers, or *proletariat*, own nothing but their labor, and although free to sell their labor in the market, they are dependent upon the capitalist class, which exploits them by appropriating the surplus value created by their labor. Non-Marxist economists define capitalism as an economic system in which most property is privately owned and goods are sold freely in a “competitive” market, but without reference to exploitation, except where monopoly situations occur. Capitalism may be an ideological stance: Marx saw it as one stage in a historical process, finally to be replaced by socialism. It has been the most “productive” economic system to date in the secular West, although it has brought with it massive environmental degradation (pollution and global climate change, for example) and social problems such as perpetual unemployment and fixed class structures.

All this mal-distribution of wealth, the polarization of society between those who make obscene amounts of money in the shade and those who barely squeak out a living in the hot sun, as well as “class-consciousness” would not have had their malignant outcomes had the committed and enlightened Muslims been at the helm of world events, and from there eradicated the evil of *ribā*. The absence of Muslim minds working on this societal deviation with the objective of correcting it invited the presence of non-Muslim minds, in this case the socialists, to try to address the excesses, extravagances, and exclusiveness of the money-makers, the money-takers, and the money-rakers.

These are the social extremes that man inflicts upon himself, and it is in this context that Allah (ﷻ) tells him, “...and do not wipe out one another: for, behold, Allah is indeed a Dispenser of grace unto you!” The literal wording of the *āyah* is “...and do not kill yourselves...” This sacred comment comes in an *āyah* that is loaded with financial and economic meanings: its gist is that financial discrepancies and divergences are typically equilibrated when

humans who simply want to survive feel they have no other option than to kill the few who want to accumulate unhampered wealth.

In Europe's medieval times there were landlords and members of the "middle class" who stood out from the rest of the hardworking people. Later there were employers and merchants who landed upper-class status through the accumulation of *ribā*-based wealth. In the 19th century, this upper class of select people was associated with social upheavals that sought a restructuring of society and the demise of the aristocracy. This, in some books, was to be the beginning of liberal democracy and the development of industrial capitalism. Alongside this went a view, which still persists, that the upper classes are culturally reactionary and small-minded, being primarily concerned with commercial matters.

In recent times the term *bourgeois* has been applied to those with rather narrow views about cultural and moral issues. In Marxist theory, the *bourgeoisie* are defined as a class by their ownership and control of capital. The illegal circulation of money, the unlawful accumulation of wealth, and the *ribā* oppression of people caused the political left to define a drudging working class, referred to as the *proletariat*, which in radical and socialist philosophy is a term coined to denote those who live by their labor and do not own property. It is particularly important in Marxist and communist ideology, though it is hardly distinctive in meaning from "wage labor."<sup>150</sup> This whole notion of class has spawned philosophies and ideologies that have led humans to kill each other. *Class* in sociology is the main grouping of social stratification in industrial societies, based primarily on economic and occupational factors, but also refers to people's lifestyle or sense of group identity. Within the secular social sciences, class has been used both as a descriptive category and as the basis of theories about industrial society. Theories of class may see such social divisions either as a source of social stability (according to Durkheim) or social conflict (according to Marx).<sup>151</sup>

The bottom-line observation is that consumption and accumulation of wealth by any means necessary is indicative of a society's moral failure. Here again, this alludes not to an individual's

moral success or failure; instead it points to the combined character of a society that permits misuse or misappropriation of funds, payments in an illicit or underhanded way, hush money, slush funds (used for bribing and other corrupt activities), as well as bribes and threats to force a person or entity to commit wrongful or even aggressive acts including perjury. Aggressive financial offenses begin to have a life of their own and they begin to commercialize women's honor (prostitution), man's chivalry (mercenary recruitment), man's word of honor (lying under oath), etc. Each and every moral value has its monetary equivalent. Some people sell them at a low price, others at a high price. And when morals become a "market commodity" it is only a matter of a clash of interests before there are wars, conflicts, and conflagrations that cause human beings to kill each other.

But Allah (ﷻ) wants to express His care and compassion for those who carry His covenant and trust. He does not want His successors to tread upon a slippery social slope that will eventually lead to wars of annihilation. He knows how tempting it is for humans to gain and accumulate wealth. And that is why, at least partially, He comes to us with this life-saving information. But if we humans succumb to our material cravings after receiving these eye-opening facts, then we should know that what awaits us in the life and world to come is horrendous, and we will get what we worked for, albeit with a hellish consequence,

**And as for him [they] who does this with malicious intent and a determination to do wrong, him shall We, in time, cause to endure [suffering through] fire, for this is indeed easy for Allah (4:30).**

Throughout the *āyāt* reviewed thus far in this *sūrah*, it is evident how intertwined having money is with having feelings. One financial transaction, which was discussed earlier, concerned the allocation of an orphan's assets after he expires to his relatives if they are present. Money given in matrimony to a wife was another transaction. These are emotional monetary obligations. The inter-

lacing of money with feelings gives the impression that money is morale's mate. Aggressive acts in snatching or saving money are tantamount to an act of war, and if not that, they are certainly hostile. Such offenses can lead to crimes and that is why Allah (ﷻ) says that it is important to have money go around and come around in a manner free of friction and discord. At the socio-economic level, this precludes contentiousness and unfriendliness.

Some of the early scholars of Islam characterize the unlawful exchange of money as a person receiving money without working for it.<sup>152</sup> Drawing up illegal contracts feeds into this foul function of finances. No one can draw up a legal deed and sell something that does not exist; no one can sell perishable goods when they are tainted or contaminated, such as rancid nuts, spoiled eggs, or rotten vegetables. The *ḥalāl* circulation of money also does not allow the buying and selling of things of no value such as a machine that does not work, a boat with a hole in it, hogs, flies, carrion, alcohol, etc. Whoever sells such items and collects a fee is enhancing the iniquitous rotation of money. And imagine what the consequences are when these transactions become an enterprise, an industry, and an exploit.

The following *āyah* infers that the inappropriate and illegitimate circulation of money in society is tantamount to a cardinal sin. Hence Allah (ﷻ) says that if we sidestep major offenses such as the above, which we have been ordered to do, then He will efface our minor indiscretions. This is reassuring to those of us who are equally aware of how Allah (ﷻ) is merciful and how we are not supposed to hold ourselves up to a rigid standard of infallible perfection. If we can steer clear of the major crimes in life, then if we stumble over a pebble or fall in a small ditch, this will be amnestied because of our otherwise greater intent and follow-through to avoid capital sin,

**If you avoid the mega-sins which you have been ordered to shun, We shall efface your [minor] bad deeds, and shall cause you to enter an abode of honor (4:31).**

Sin is a religious term signifying purposeful disobedience to the known will of God or an action offensive to God. It is a factor in many religions, though it is represented in a wide variety of ways. The Hebrew Bible, or whatever is left of it, represents sin as a constant element in the experience of Israel. There is an emphasis upon human responsibility for sin, and this is carried over into Christian doctrine, where it is joined with the idea of the inevitability of sin in the concept of *original sin*.

This *āyah* truly represents Allah's (ﷻ) mercy, expressed in His understanding of our delicate human nature. It gives us an idea about Allah's (ﷻ) tolerance and the leeway He has given to rein in human nature. This is the nexus where the human intellect makes room for human failing. Even though the standards of Islam are very high — morals, conduct, and inspiration — the expectations and the results are human. The way of life that yields to Allah — Islam — has the word of Allah (ﷻ) on obligations and penalties, on dos and don'ts, and on military discipline and family intimacy, all of which, when put together, build a strong network of lofty human relations. But all these disciplines do not overstep the fact that we are down-to-earth humans, social beings of temptation, and people who feel and fall, who try and err.

This *āyah* communicates a sense of compassion and pity that acknowledges a balance between what man should do and what man can do. There is a palpable sensitivity to his yearnings and compulsions. Man is located between an idealism and a reality. He is stretched by both positive and negative inclinations. Human nature sometimes wants one thing and its opposite at the same time.

What counts here is the thrust of human nature, human endeavor, human activity, and human strategy. All human potential should aim to gain the glory of salvation and the preference of Allah (ﷻ). When human beings have their sights set on Allah's (ﷻ) overall program, they are expected to work for it to the best of their abilities. And in the process if they do fall short of that by tripping on their own emotions, or by inadvertently making a mistake, or by a passing moment of human weakness, then they should understand that it is within the mercy of Allah (ﷻ) to overlook



their helplessness if they are willing to acknowledge it and ask Allah (ﷻ) for forgiveness. Moreover, it almost comes naturally that when people set out to do Allah's (ﷻ) work on earth, they do not mean to fall into petty offenses or crimes,

**And who, when they have committed a shameful deed or have [otherwise] sinned against themselves, become conscious of Allah and plead that their sins be forgiven — for who but Allah could forgive sins — and do not knowingly persist in doing whatever [wrong] they may have done (3:135).**

Small sins are subject to Allah's (ﷻ) amnesty. He directly pardons these unintended and unplanned blunders — as long as there is no aim at violating Allah's (ﷻ) commandments in a major way. These words here say as much, **“If you avoid the major sins which you have been ordered to shun, We shall efface your [minor] misdoings, and shall cause you to enter an abode of integrity...”**

But then what are the major or cardinal sins — the *kabā'ir*? The available Islamic literature indicates that *sins* or *misbehavior* are of two kinds: major and minor offenses, referred to as *kabā'ir* (plural of *kabīrah*) and *ṣaghā'ir* (plural of *ṣaghīrah*). The *kabā'ir* (major infractions) are defined by those deeds that have been tagged with legal consequences, serious punishment, and a horrible torment. In other words, there is a penalty for these behaviors in this world and in the one to come. There are some quotes from Allah's Prophet (ﷺ) that limit these serious offenses to seven. In one of them, he said,

*“Refrain from the seven decimators.”* He was then asked, *“But what are they, O Messenger of Allah? And he replied, “The shirk violation of Allah [equating or associating others with Allah], killing a person unless it be due to justice, the occult, ribā, consuming an orphan's money, military desertion in a state of war, and accusations of sexual misconduct against innocent committed Muslim women.”*<sup>153</sup>

Other quotes from Allah's Prophet (ﷺ) add to the above as major sins: disobeying parents and false testimony.

On the other hand secondary sins are the ones that have no ultimatum attached to them. They also carry no legal penalty (*ḥadd*). These are such things as entertaining certain sexual ideas by visualizing someone of the other sex, a kiss, telling a fib, short-changing someone by an ounce or two, etc. These are all less than big sins. But if these acts become part of a person's permanent character, than there is a serious problem and the person may be approaching the domain of major sin. An individual may begin by cheating another by an ounce or two, but then after many months and years of repeating that behavior until it becomes a habit, he may be willing to cheat millions of people out of an ounce or two — until it becomes a major crime by a major criminal.

Avoiding the serious sins and having the less serious ones pardoned is possible provided two conditions are met. Firstly, desisting from the sin should be done while a person is able to commit the sin. An example is a person who refuses to have an extra-marital affair when he is able to do so. On the other hand, an impotent person who is exposed to such a temptation and declines it is not avoiding adultery as he is sexually incapacitated. Declining such temptations with a consciousness of Allah (ﷻ) qualifies a person for His amnesty. Secondly, the person should be observant of and responsible to Allah (ﷻ) in as far as his personal duties are concerned. A hadith expresses it this way,

*The five ṣalaḥs, Jumu'ah [Ṣalaḥ] to Jumu'ah [Ṣalaḥ], Ramaḍān to Ramaḍān — all of them wipe out everything in between [of minor offenses] if the major offenses are avoided.*<sup>154</sup>

Sin is the transgression of the Will of Allah (ﷻ) as revealed in scripture and discovered through experience. In Roman Catholic theology, a distinction is made between *mortal sins*, which, if unforgiven, result in damnation, and *venial sins*, which are less serious. In general Christian belief, humanity is in a state of original sin and therefore in need of redemption through "the crucifixion of

Jesus.” The sacrament of penance is seen by Christians as an earthly means of atonement for sin.<sup>155</sup> Here, in this Qur’anic discourse, there is no original sin, there is no religious agency that stands between Allah (ﷻ) and man, and there is no confession and penance; there is only a responsible human relationship with Allah (ﷻ) that relies on both human conscience and human understanding. We are all equal in our access to Allah (ﷻ).

### Members of an Ethical Society Complement Each Other

Hence, do not covet the bounties that Allah has bestowed more abundantly on some of you than on others. Men shall have a benefit from what they earn, and women shall have a benefit from what they earn. Ask, therefore, Allah [to give you] out of His bounty: behold, Allah has indeed full knowledge of everything.

And unto everyone have We appointed heirs to what he may leave behind: parents, and near kinsfolk, and those to whom you have pledged your loyalty; give them, therefore, their share. Behold, Allah is indeed a witness over everything (4:32–33).

The general meaning here is that those who commit their lives to Allah (ﷻ) and adhere to him with a living conscience should not have a conquering desire to possess what their counterparts in society have — all of whom possess whatever they have out of Allah’s (ﷻ) grace and calculation. The fact of life is that in our world, no two people are carbon copies of each other. Some individuals have greater talent and skill in certain areas while others express greater prowess in other areas. There are individuals who may have a very high endurance and stamina level while others always succumb to the slightest distress. Still more are mentally gifted while others are slower at acquiring the same knowledge or information. And so on for any number of human contrasts. Within this mix, there are those who begin to want what others have,

but the genesis of such desire is rooted in the breakdown or shallowness of their relationships with these others. Members in society — even members of one family — may suffer a weakening of their one-on-one relationships with each other. This will cause the person who perceives himself to be in the less fortunate or less privileged position to covet what the other person is favored with. Should anyone reach that particular point, he should stand back, reflect, and then spurn these feelings of desiring the gifts that Allah (ﷻ) has given to others.

Life also has a sequence of responsibilities: jobs, employment, status, social recognition, aptitudes, potentials, idle time, and resources. Some find themselves in a better position than others. But that is only in a one-to-one comparison. The overall comparison, which is germane to the point being made, is the one in which all members of society complement each other, much like the different pieces of a machine, where it cannot be suggested that one piece is better than another. If someone has more financial wherewithal than another person, the social responsibility of all is to ensure that the difference between these two stays at a minimum. Money here plays a role in breaking down the psychological wall that may divide people from each other when there is not enough love and care to go around, which is another way of saying that a chasm has developed between those who have more than they need and those who have less than their needs such that there are not enough resources to be shared by all.

Coveting another person's position or status in life, all other things considered, may erode a person's psychological health through envy and bitterness. A "higher" position in society should never be a cause for rancor and resentment; it should be a stimulus for one to do better and to keep on moving toward the better things in life. A person may develop a neurosis from constantly living in a phobic state of begrudging others what Allah (ﷻ) has given them through legal and wholesome means. In extreme cases this could lead him to question Allah (ﷻ) Himself about His justice, impartiality, and fair play (*nastaghfir-allāh*). If feelings of goodwill are sustained by local Islamic institutions, especially the *masjids*,

and if the Muslims in positions of authority foster a vibrant, congenial brotherhood among the Muslim citizens, then individuals from time to time who transgress the meanings of these *āyāt* and question the social nonuniformity within a tight and loving Islamic society would represent the occasional exception.

This issue was and probably still is most pronounced when it comes to a material comparison between men and women in society. This *āyah*, “**Hence, do not covet the bounties which Allah has bestowed more abundantly on some of you than on others...**,” is said to have been revealed when a woman by the name of Umm Salamaḥ put words to what she felt was a divinely inspired inequality, “Men go to war and we [women] do not. Women get half the inheritance.”<sup>156</sup>

The psychological content of this *āyah* is obvious. Committed Muslims should never desire to own something owned rightfully by someone else. With this attitude, polished Muslims will have clean interiors and pure hearts. And this carries over to whatever qualities, characteristics, rights, responsibilities, and possessions the other sex has. A man should never feel slighted because he is not a woman; and a woman should never feel inferior because she is not a man. In an Islamic lifestyle where all sorts of information exists to preserve the constitution of human nature, a behavior or condition such as transsexualism ought to be rare, if not unimaginable. A person who identifies himself or herself completely with the opposite sex and who believes that the wrong sex was assigned at birth suffers from a type of schizophrenia between body and psyche.

A further demonstration of the dangerous deviation away from Allah’s (ﷻ) creation and man’s state of nature is *transvestism*, a behavior or condition in which the afflicted desires to dress in clothes traditionally worn by the opposite sex. It is said that transvestites think and feel emotionally in a way typically considered appropriate to members of the opposite sex, and may undergo surgery to change external sexual features. These are grave and severe disfigurements of the way Allah (ﷻ) created human beings. With the highly agendized knowledge available to us today, there is no certainty about whether these developments are superficial and

psychotic (a behavior) or they have a deeper social, biological, and even environmental dimension (condition or syndrome). Do they come from a consistent and extended deviation from Allah's (ﷻ) norms? Are there dietary and physiological triggers for this type of human behavioral degradation? Whatever the details may be — and in time, the causes of such a departure from man's state of nature may be pinpointed with greater precision, if truly such a social pattern exists — what is undoubtedly known is that average and normal human beings should respect their sexual cast. No one should envy someone else because of his or her (biological) sex.

The way life is moving, man is not only beginning to live in a global village but he is also beginning to live in a legal jungle. And this latter aspect is what develops when there are no divine regulations to go by. The blurring of the line between the sexes has not benefited society one iota. The rationale behind males and females coexisting together was not for one sex to envy the other; rather, it was meant for each sex to complement the other. And no one should think that by actually acquiring all he wanted in life, he will become a better individual or help to create a better society. Sometimes their own deficient human knowledge causes people to believe that if only Allah (ﷻ) were to give them all the abundant wealth they desired, then they would be in better shape. In fact, that is not the case, **“And if Allah were to extend His bounty [unceasingly] to His subjects [human beings] they would transgress on earth... (42:27).**

Contentedness is something that accompanies discipline and cooperation. Individual discipline and social cooperation are enough to eliminate any jealousy that may otherwise erode man's psychological well-being. The local camaraderie and fraternity engendered by the activity that is supposed to be taking place in *masjids* should be enough to instil the kind of social character that demonstrates the resiliency of the overall human complementarity despite the natural competition among individuals. A positive social attitude of this tone corroborates the spirit of these *āyāt*.

The gender issue can easily feed into the class and power issue. *Āyah* 4:32 makes it outstandingly clear that if people were to

live the kind of life designated for them by Allah (ﷻ), with love and mercy being their common bond of togetherness, then they would not envy each other because of the relative quantity and quality of their possessions. No one can make another like himself, even remotely. The differences, divergence, and diversity that are characteristic of the human race were meant to reinforce the common human experience. That superficial spatial or topical departure people have from one other (gender, race, power, etc.) will never be extinguished by equilibrating their income. Listen to Allah's (ﷻ) words,

**But is it they who distribute your Sustainer's grace? [No, as] it is We who distribute their means of livelihood among them in the life of this world, and raise some of them by degrees above others, to the end that they might avail themselves of one another's help — [so too, it is We who bestow gifts of the spirit upon whomever We will]: and this your Sustainer's grace is better than all [the worldly wealth] that they may amass (43:32).**

Ibn 'Abbās said in this regard, “No one should say, ‘I wish I had so-and-so's wealth, fortune, and beautiful wife...’ for it is a form of envy. Rather say, ‘O Allah! Give me as you have given him.’ Avoid envy and espouse admiration.”<sup>157</sup>

Every human being when it comes to the area of moral and healthy competition in life should never “take it against someone” just because the object of envy has a piece of “the good life.” Envy in this area becomes an objection to the flourishing of man's potential. A healthy Muslim psychology does not feel or express words of envy. In the material frame of reference, some people living with very modest means may be moved to come and say what the many are thinking, “O God! Why can't I have a mansion like theirs (wealthy people), why can't I have children like theirs?” In the sharing and caring world of people yielding to Allah (ﷻ), the human, material measure would be supplanted by Allah's (ﷻ)

magnanimity, “O Allah! Give me that which is to my advantage — what uplifts my *dīn*, improves my worldly condition, facilitates my return to You, and renders my life easier.”

The world, in a sense, is a field of competition. In an ethical society within a moral reference, all human beings should be able to avail the opportunities that will bring out their best. And in this grand, lifelong competition there will be individuals who gain more and other individuals who gain less. This is one feature of life that people will have to live with so long as that gain does not alienate one from another. However, if the alienation is due to “class consciousness” or to fortunate people “keeping their distance” from less fortunate people, then these are features that should not exist in an Islamic social order.

### **Millennia of Inferiority Hijacked by a Reactionary Feminism**

What Allah (ﷻ) has given to one more than the other, so as to allow for the building of cooperative relationships that elevate all concerned, is equally true of gender relations. A man or a husband should never permit a feeling of “gender consciousness” or a physical distance from women or wives because of the consequences accruing from life’s incidental and natural competitions. Within an Islamic lifestyle, responsibilities are allocated such that men directly bare the burden of expenses and disbursements while women are indirectly relieved of the same. A woman and a man team up to “make ends meet” and in that team spirit neither one of them should feel superior or inferior when both are equally tasked with making their relationship grow, raising a family, and enhancing society. When both men and women understand they are involved in a home-building and society-building duty, they no longer fall into a quarrelsome division of gender, class, or even race. The individual natures of both men and women are specific to making one more qualified to do some things better than his or her counterpart, and the other likewise more qualified to do different things better. But in doing all these things together both of them reinforce their complementary roles when love and devotion envelop their mutual



relationship, **“Men shall have a benefit from what they [qualify to] earn, and women shall have a benefit from what they [qualify to] earn.”**

In the material world, wage scales discriminate between labor functions. And thus a physician, lawyer, or other professional may earn at least \$400,000/year, whereas an ordinary laborer may average only as much as \$38,000/year. Are we to subject human nature, human dignity, and human worth to this biased payment scale? Who says that a physician should be paid that much money, or that a chief executive officer (CEO) deserves barrels of dollars a month when the toiling manual laborer gets paid a pittance? The problem with taking such conventional approaches to the life-giving meanings of this Scripture is that they subject the Book's surface meanings to the well-entrenched status quo. The *jāhili* reference point is taken for granted and then the meanings of the Qur'an are reshaped to fit into the *kāfir* complex. In order for men and women to breathe once more the air of freedom and relive a life of dignity, all the notions and “standards” that are taken for granted in this composite of *kufr* have to be dismantled. And if that means going back to the drawing board and figuring out how wages ought to be structured so as not to reinforce class, gender, and racial discrimination, then that is what the Muslims are required to do in order to fulfill the meanings of equality and cooperation that are ingrained in these eternal instructions, **“Thus, ask Allah [to give you] out of His bounty: behold, Allah has indeed full knowledge of everything.**

These *āyāt* are meant to do justice to men and women who are both absorbed not in their sex distinctions but in their human sharing of common attributes. There is nothing in this glorious Qur'an that favors men over women or women over men. Justice is done to everyone on the basis of their humanity, their common bonds, morals, prosperity, and responsibilities. The variations between men and women were not meant to give some the license to oppress others or to impose a superiority-inferiority complex within families and societies. That is outlandish and bizarre. Instead, these variations are geared to bringing people together, and to binding

husband and wife to the complementary responsibilities of establishing nurturing families, stable communities, and caring societies. Life can be a complex suite of problems and circumstances, but it is only the compatibility and cohesion of genders, races, and classes that will give life its positive thrust and human beings their utmost respect and potential.

With this Qur’anic mental and social attitude in mind, now is the appropriate time to contrast the status of women in Islamic society with their status in God-denying societies. To start the explanation off on the right foot, what is meant by “Islamic society” is not the hybrid cultural and traditional societies nowadays in territories that were once part of the full-fledged Islamic domain. Rather, the Islamic society, which is at the root of this discussion, is the one modeled on the Qur’an and Sunnah, a society that had its precedent in the age of Allah’s Prophet (ﷺ) and the hundreds of years that followed him (even though there was a gradual shift away from its founding standards), and a society that blooms from the depth of Islamic morals, from the core of Islamic ethics, and from the fiber of Islamic manners. This society “in theory” comes alive in the divine words of this pulsating *sūrah* in this vital Script. Though this society “in practice” is on its way in, it will only be a matter of time before its consummate expression dominates the social ambiance, *inshā’allah*.

The Muslims — the students of scripture, the disciples of divine description, and the attempted expression of Allah’s (ﷻ) will on earth — say with confidence, which comes from listening to Allah (ﷻ), obeying Him, observing His principles, and virtually living with Him, that materialistic societies have done a gross injustice to the sexes and to women in particular. And this is because the Euro-American systems that supervise these material cultures are power systems; by their very nature they seek to crush those who lack or do not have power: minorities, “third-world” peoples, the poor, and especially women. Women do not have freedom in these secular and materialist societies; and they do not have their full rights — even though the full force of the media narrative, academic rationalizations, and sociopolitical rhetoric say oth-

erwise. Man's wisdom compared to Allah's (ﷻ) amounts to ignorance. And with all the science, technology, and accoutrements of modernity the secular Euro-American establishments claim to have, they still prove themselves to be incapable of demonstrating that both men and women can behave as equals. All the social sciences put together are similarly incapable of stating the truth in the incomparable way it is stated in this sacred Writ about women's rights, women's freedom, and women's dignity.

Muslims should take heart: it is not the Qur'an or the Sunnah that relegate woman to an inferior status; rather it is the social scientists who ignore her, the elites who exploit her, and the media that abuses her. There is something terribly wrong with a materialistic psychology that counts discrimination as one of its major features. This prejudicial discrimination, by those who have the money and the power to build a narrative that legalizes their parochialism, is not limited to women; it also includes social, economic, political, and legal expressions and policies against certain individuals or groups. This discrimination is often based on stereotypes and includes, but is not limited to, slavery, sexism, racism, caste, apartheid, and anti-Semitism. Discrimination may be based on grounds of differences in color, nationality, religion, politics, culture, class, sex, age, or a combination of such factors. Much legislation in the US — for instance, the Civil Rights Acts of 1964 and 1968, the Voting Rights Act of 1965, and a movement to add an amendment to the (US) Constitution mandating equal rights for women — has gone into trying to eliminate or curtail racial and sex discrimination.<sup>158</sup>

Because of these legal and civic attempts to somewhat level the playing field and atone for past iniquities, there is a world around us that prides itself on having acquired a semblance of equality, if not total equality, between men and women. The Muslims are not out of place for criticizing the God-denying West when it comes to women's rights, honor, and status. Because of its own bitter historical experience with abusing and mistreating women, this God-objecting West (Europe and America) attests to this fact in a very indirect way. A campaign for the rights of women, includ-

ing social, political, and economic equality with men began well over 1,000 years after these *āyāt* were revealed. Early European campaigners of the 17–19th centuries fought for a woman’s right to own property, to have access to higher education, and to vote. The assumption of the feminists in those days was that the achievement of other basic rights and a dignified position in society would follow the securing of suffrage.

Pioneering 19th-century feminists, considered radical for their belief in the equality of the sexes, include Mary Wollstonecraft and Emmeline Pankhurst in the United Kingdom, and Susan B. Anthony and Elizabeth Cady Stanton in the US. The women’s movement gained worldwide acclaim after WWII with the impetus of such theorists as Simone de Beauvoir, Betty Friedan, Kate Millet, Gloria Steinem, and Germaine Greer, and the founding of the National Organization for Women (NOW) in New York in 1966.<sup>159</sup>

The Women’s Liberation Movement, which began in the early-1960s and gained momentum over the next decade, is a contemporary, militant, feminist movement aimed at achieving status and rights for women equal to those of men. Commonly referred to as “Women’s Lib,” it consists of several national and numerous local organizations and informal groups. The main goal of the movement is to change society and its culture so that the “dominant-inferior relationship of men to women” can be supplanted. Particular objectives for the more radical elements of the movement include ending the “power-structured system of patriarchy” by which the father dominates family life; and wiping out “sexism,” the conscious or unconscious male chauvinist attitudes that treat women as sex objects. Most liberationists, however, are concerned with less philosophical and more immediate problems, such as ending job and pay discrimination, securing abortion reform, setting up tax-supported child-care centers, and securing equal treatment under national, state, and municipal laws.

Traditionally in American law, women have not enjoyed the same rights as men, and this has manifested itself in many areas of American life, including property rights, education, political representation, social equality, and employment opportunities. State

laws vary widely, although many are protective of women rather than directly discriminatory. Women's suffrage led to a gradual narrowing of legal differences and once the right to vote was achieved in the 20th century, the emphasis of the women's movement shifted to goals of equal social and economic opportunities for women, including employment.

A continuing area of concern in industrialized countries is the contradiction between the now generally accepted principle of equality and the demonstrable inequalities that remain between the sexes in state policies and in everyday life. From the late-1960s the radical and militant wing of the movement argued that women were oppressed by the male dominated social structure as a whole, which they saw as pervaded by sexism, despite legal concessions toward equality of the sexes. In response to this type of indictment, the Equal Employment Opportunity Commission, a US government agency, was formed in 1964 to end hiring discrimination, including that based on sex.

With increasing intensity since the 1960s, an extensive body of new laws and administrative regulations, as well as court decisions, has provided some protection against sex discrimination. During the 1970s and early-1980s, most Women's Lib activities, led by NOW, were aimed at securing ratification of the proposed Equal Rights Amendment (ERA). In 1972, the US Congress invited the states to consider a constitutional amendment, the ERA, which sought to officially guarantee that "...equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex." The seven-year time limit for ratification expired in March 1979 and the Congress, in an unprecedented move, extended the deadline to June 1982. Still, the proposal failed to receive the 38 state legislative approvals necessary for ratification.<sup>160</sup>

Despite this setback, the Women's Liberation Movement has nonetheless taken on some of the characteristics of a radical mass movement, with protests, marches, invasions of male sanctuaries, condemnation of female sex symbols, and direct and indirect political involvement. Some scholars relate the movement to the gen-

eral problems of anomie and alienation growing out of the increasing urbanization and depersonalization of modern life. Since women constitute a majority of Americans of voting age, major changes in the political landscape could result from the movement's growing base of support. In 1984, Women's Lib hailed Walter Mondale's choice of Geraldine Ferraro as vice-presidential candidate. In the 1980s, increasing numbers of women and minority group members became active in politics. In 1988, for example, women comprised 15.5% of the nation's elected state legislators, up from only 4% in 1969.<sup>161</sup> Over the last several years, women have gone high enough to fill cabinet positions, to hold gubernatorial office, and to become CEOs in major multinational corporations.

The concept of equal rights has had a dramatic impact upon American life, equal to, if not greater than the impact of adjusting race relations. Many constitutional authorities believe that changes already legislated on behalf of women's rights as well as liberal application of equal-protection-under-the-law concepts diminish the need for an equal rights amendment. Others note that an amendment will give rise to a host of constitutional problems relating to the traditional roles of men and women.

The Women's Liberation Movement achieved two major victories in the 1960s: (1) the passage of the Equal Pay Act of 1963, which requires equal wages for men and women doing similar work, and (2) the Civil Rights Act of 1964, which forbids discrimination against women in hiring and other personnel policies. An end to sex discrimination in education was ordered by the Congress in 1972 and the Equal Credit Opportunity Act was adopted in 1974.<sup>162</sup> A 1978 congressional enactment prohibits discrimination against pregnant women in any area of employment. Pension rights of widowed homemakers, and of working mothers who temporarily leave jobs to raise families, were put under protection in 1984. In 1986, the Supreme Court of the United States declared sexual harassment to be unlawful sexual discrimination under the Civil Rights Act of 1964. The Supreme Court has tended to reject legal distinctions based on sex suggesting they are contrary to the principle of equal protection under the law, with the notable exception

of its 1981 ruling in *Rostker versus Goldberg* that women may be excluded from the military draft.<sup>163</sup>

Societies and individuals who are endowed with a keen sense of attention to social justice, but who are detached and aloof when Allah (ﷻ) speaks, have developed a critical consciousness that has unfortunately generated tension within society. Aspects of this attention have been directed at class discrepancies and sex discrimination. After thousands of years, some of these people woke up to the fact that women are less than men in society. They coined the word *sexism*, which stands for a belief in or for a set of implicit assumptions about the superiority of one's own sex, often accompanied by a stereotype of the opposite sex. Sexism may also be accompanied by discrimination on the basis of sex, generally as practiced by men against women. The term, coined by analogy with racism, was first used in the 1960s by feminist writers to describe language or behavior that implied women's inferiority. Examples include the contentious use of male pronouns to describe both men and women, and the assumption that some jobs are typically performed only by one sex.

Even thinking Muslims are probably unaware of the fact that the women's movement, sexism, and feminism are some of the symptoms of human society trying to agnostically find its way through a fog of injustice. In due time, their split away from Allah (ﷻ) has cultivated such human reactions to human actions, both of which have no scriptural grounds or divine bases. And in this way human beings separated from a worthwhile scripture such as the Qur'an, who should have been spared such social turmoil, ended up with something called *feminist theology*. Whether developed by men or women, a feminist theology is one rooted in the experience of women and seeks to promote equality and mutuality between the sexes, indeed among all people. It begins with the realization that sexism, the historic domination of men over women, is a fundamental expression of human sinfulness.

While some women have long been aware of the distortions of the Bible used to justify sexism, the contemporary movement began with a critique of *patriarchy*, the male domination of and

emphasis on hierarchy evident in Church history. This was followed by a scathing critique of classical Christian doctrines. Thus, within this male-female polarization in Western society, andromorphic (manlike) symbols for God were rejected and it was argued that the traditional identification of women with the “suffering servant” was self-destructive, while male identification with Jesus as Lord was a continuing rationalization of illegitimate power.<sup>164</sup>

Feminist theology is more than a recovery of a usable past and a revision of some theological themes. Its implications touch every area of theology. As Elisabeth Schüssler Fiorenza notes, it begins with a “...hermeneutics [the branch of theology that deals with principles of exegesis] of suspicion...” because of the androcentric bias of all sources — biblical, historical, psychological, even linguistic. Rosemary Radford Ruether particularly draws on prophetic and kingdom themes in scripture, plus various strands of Church history, some of which were labeled heretical by the builders of the patriarchal institutional church.<sup>165</sup>

In this “tit-for-tat” sexual scoring against one another, discussions of hierarchy, inclusive language, and the meaning of symbols has led to a rethinking of the nature of God, the Trinity, and Jesus as God incarnate. The perceptivity that sexism is a root sin has led to a rethinking of all forms of domination and oppression — racism, nationalism, militarism, and heterosexism. Indeed one of the goals of feminist theology is inclusivity; it rejects all forms of dualism. A recovery of a sense of oneness with the earth and stewardship for it has also been included within its domain. In the flux of Western social thought, feminism has promoted a retroactive appraisal of the meaning of scripture for its original hearers and for today’s culture; the use of inclusive language in biblical translation and worship; the full ordination of women; mutuality in marital relationships; an end to abuse in all forms between the sexes; and a rethinking of ethical issues originally rooted in sexism, such as abortion and homosexuality.

This is the price humanity pays for running away from Allah (ﷻ). First a misguided and self-serving reading of scripture rationalizes its power position by claiming that God is masculine, and



then thousands of years later, an equally misguided position, reacting to the original one, claims that God is feminine. And as the gender warfare heats up, forcing the polarized positions into acquiring discrete cultures, both mutually acrimonious sides do not realize how much they have contributed to the ill feelings between male and female because of the way “God created them.” These social theorists and gender activists could have spared themselves and the current “emancipated” generations this gender commotion if only they would have acknowledged this Qur’an, which tells them that God has no gender. The oppression they themselves are responsible for in their own societies, which generated millennia of one sex subjugating the other, had its impact upon their languages, their religions, their education, their legislation, and their politics. So they set out to solve the matter by normalizing their own limited earthly experiences and thoughts, distorted as they are, as the common experience of not only all of humanity, but all of the universe and existence, having the temerity and the chutzpah to impose their differences on God Himself, *nastaghfir-allāh*.

Although the distinction between female and male is one common to all known human cultures, the ways in which male and female bodies are distinguished, the role each is seen as playing in reproduction, local understandings of the biological basis of difference, cultural attributes assigned to the masculine and the feminine, and the importance attached to these differences, all vary enormously from generation to generation, from culture to culture, from civilization to civilization, and from one geographical location to another. In recent social science works, *sex* is generally taken to refer to the anatomical, biological, and physiological characteristics of female and male bodies, while *gender* refers to the culturally specific symbolic articulation and elaboration of these differences. The concept of gender came into popular use in the theoretical and ethnographic writings of social scientists, cultural scientists, and researchers in the late-20th century. As a term that addressed both the female and the male, the cultural construction of these categories, and the relationship between them, it offered an alternative to the emphasis on “the

problem of women,” which had dominated earlier feminist literature and had itself become increasingly problematic.

The issue of justice is so ingrained in human nature that sooner or later any form of systemic oppression will encounter its human redress. The feminist discourse of the mid-20th century grew out of a general theoretical reappraisal in the secular social sciences, itself an aftermath of the widespread political unrest rocking the first three-quarters of the 20th century. Social scientists who had long abandoned God’s word on these family issues went to Marxist theory in their search for tools to understand political and economic inequality, and to reassess issues of development and underdevelopment. A similar search for the roots of a woman’s position as the “second sex” — a term coined by Simone de Beauvoir — led Western feminists to look to anthropology for ways of understanding a woman’s position in different social, political, and economic orders. The search simultaneously fed into social sciences a variety of questions concerned with the possibility of an egalitarian social order, the roots of female subordination, and the general roles of women in different cultures and economies.

A major aim of the feminist project of the mid- to late-20th century was to establish “an anthropology of women,” which would fill the gaps in social science literature resulting from male bias. Traditionally, such literature was seen as suffering from a double male bias. Firstly, it was argued that professional social scientists tended to be male or, whether male or female, to accept and work within male-centered models of social organization and culture. Secondly, these feminists suggested that social scientists tended to rely on male informants during fieldwork, and therefore replicate the indigenous male view. The new approach, focusing on what women said and did, gave equal or greater weight to female domains and spheres of activity, and to the symbolic representation of categories of female and male. Two markedly different lines of argument were developed during this period. One maintained that neither female oppression nor exclusive male power was universal, while the other grew out of an assumption of universal male dominance and female subordination.

Some social scientists, who followed a Marxist line and drew on Friedrich Engels' theories, maintained that female oppression was a historically specific phenomenon, linked to either colonialist or capitalist views of production and private property.<sup>166</sup> Thus, they assumed the existence of a prior egalitarian social order, in which men and women did different tasks but were equally valued. Others also rejected a straightforward mode of female subordination, but stressed individual transactions and interpersonal relations rather than wider economic and political determinants. They argued that although women appeared to be denied formal power and authority in the public or political sphere, they were not without individual power. Foreshadowing to some extent the problematic relationship between individual action or agency and the encompassing social structure, which was to become a major concern in the late-1980s, they emphasized the domestic power of women, manifested in individually negotiated relations based in the domestic sphere but influencing and even determining male activity in the public sphere. In terms of these arguments, gender differentiation was assumed, as was an apparently natural division between domestic/female and public/male domains, but these differences did not automatically result in female subordination. Subordination and inequality rather arose as a result of specific economic and political conditions.<sup>167</sup>

Other feminist social scientists of this period, however, did assume a universal subordination of women, and sought to explain its origins and perpetuation in sociological, cultural or symbolic, or material terms. Each of these explanations rested upon a major dichotomy that was taken to be universal: public/domestic.<sup>168</sup>

It is in this context of considering women subordinate to men that Allah's (ﷻ) Book sets this issue aright. Men are not superior with the accompanying position that women are inferior. Allah (ﷻ) did not mold human nature in a way that permits man to ride rough shod over woman because Allah (ﷻ) has endowed him with muscles that have more "punch". The world though, in the absence of Qur'anic socialization, becomes a world that is defined by power, and power alone — all the way from nuclear powers (nation-states) to nucleus powers (husband over wife).

The secular social scientists argue that the roots of female oppression cross-culturally lie in the separation of the public from the domestic sphere, and the systematic undervaluing of the domestic, which was historically and culturally defined as those roles and activities revolving around women and children. These minds are looking at the product of their own materialism where the factory, the company, the corporation, and capital set the stage for these intruding definitions. Western secular society has been so busy separating church from state that, in their haste to finish this job, they did not realize they were also separating the domestic from the public — wife from husband and family from society. The extent to which women were subordinate in a given society depended on the degree of division between the public and the domestic spheres.

When the secular mind refuses to consider Allah's (ﷻ) words as the normative description of human society, it wanders into obscure corners of human history, speculating wildly that in hunting and gathering societies, for instance, where the two domains were least likely to be highly differentiated, relations between women and men were likely to be most egalitarian. Pursuing the same line of thinking, the secularists argue that in peasant and industrial societies, where a far greater division between the two spheres in ideological, political, and economic terms is likely to be found, women are associated primarily with the domestic sphere and men with the public. The domestic sphere is subordinate to the public, and women, by their association with the domestic and their exclusion from the public, are thus subordinate to men. This is a perfect example of how money and capital, and state and power impose their priorities, and by doing so elevate the public, male-dominated domain while subordinating the domestic domain dominated by women. If the world is left up to the combined forces of the military and the industrial sectors of society then, yes, some degree of female subordination is universal, though the extent of male dominance may depend upon the degree of separation between the facts of family and the facts of factory.

Running throughout this God-denying theorization of feminine and masculine roles is the twin parallel of nature and culture.

The secular world that has now extended its grip over all societies has one underlying current (among others) that regards women to be closer to nature because of their role in childbearing, lactation, and socialization of children. At the same time, men are considered closer to culture because of their role in providing for the children's finances, social contact to that end, and the defense of the family structure from any social or natural threat. This separation of husband and wife into "natural" and "cultural" spheres is on the one hand the continuation of that unwarranted separation of church from state, and on the other hand the separation of family from society; that is, the Church may have an impact on family morality, but it is the secular constitution that will govern social policy. This kind of theoretical zigzagging cannot be a reference for human behavior; only an unpolluted scripture can be. Thus, the two aptitudes in men and women, though different, are complementary — they complete and champion each other. In the secular structural/symbolic analysis of nature versus culture the roots of female subordination are to be found in the cultural explications of biological difference. In the scriptural structural/symbolic analysis of nature and culture the roots of female equality are to be found in the natural auxiliary that man is to woman and woman is to man.

For Marxists, the subordination of women resulted from their association with reproduction within the household, and their exclusion from relations of production and exchange in the public domain. The Marxists were not revolutionary enough. Instead of adjusting the household according to an impartial standard, they sought to adjust the woman in it by reengineering social policy to create a position for the woman in the workplace. Their ideas were first developed by Engels and Marx, most specifically in Engels' classic, *The Origin of the Family, Private Property, and the State*.<sup>169</sup> Engels, writing within the framework of social evolutionism, suggested that the association of women with the household and reproduction, and men with the wider political economy and production was a "natural" division because of childbearing and child-rearing; the oppression of women, however, only arose with the

development of sedentary agriculture, monogamous marriage, and private property relations. Therefore, as male productive labor and property became the source of value, the “natural” division of labor ceased being egalitarian. Some of these ideas were removed from their rather problematic evolutionist context and elaborated upon in comparisons of contemporary societies. As a result, some social scientists questioned the idea that an association between women and reproduction and men and production was natural, and looked at the ways in which production and reproduction were related in different types of economies.

They suggested that in hunting and gathering societies, where concepts of private property were not highly developed, there was little distinction between women’s productive and reproductive activities, and hence little undervaluing of women. The socio-economic centrality of the male-headed household as the unit of production, consumption, property and exchange in “peasant” societies, on the other hand, led to an undervaluing of women’s role in production and an overemphasis on their role in reproduction. In this Marxist, feminist analysis, the position of women was inextricably linked to economic relations of production and reproduction.

Each of these theoretical approaches located the source of women’s oppression in culture and social structure, rather than in biology, and stressed that the idea that women’s biology placed them closer to nature, outside production or within the domestic sphere, was not a natural fact, but a cultural elaboration on biological difference. And yet each ended up caught in a conundrum of exactly the type it was trying to avoid: regardless of sociological, cultural, or material explanation, the origin of women’s universal subordination seemed to lie in the biological “facts” of reproduction.

In the last couple of generations the universal nature of women’s subordination was being challenged by academics in the southern hemisphere as well as by political activists, non-white women in Europe and North America, and generally by theorists influenced by postmodernism.<sup>170</sup> Increasingly *gender* replaced *women* as a focus of academic inquiry and as the subject of courses, workshops, and conferences. Gender appeared to provide the key

for talking about difference without assuming universal male dominance and female subordination, and without relying upon linked dichotomies based on Western philosophy and Western ideas about the biological basis for sexual difference. The “universal” dichotomies were rejected as reflections of dominant Western discourse, much as they are historically situated, and socially and culturally specific.

The use of the concept of gender to some extent freed the discussion of difference and inequality from biological referents. More and more it began to dawn on researchers and intellectuals that Western political philosophy, located in specific historical periods, had taken a dominant position of assumed and unquestioned universality. It is precisely here that the Qur'an and Islam scare the intellectually biased, the culturally vulnerable, and the historically prejudiced social scientists belonging to the West who are not objective and neutral enough to look for the facts wherever they may exist. And the facts on this matter, as well as on others, are located in this unmistakable Text. The Qur'an does not discriminate between the mutually natural and cultural roles of the compatible husband and wife who are sharing the common responsibilities of providing for the betterment of themselves and their families. Any ordinary reader of this book of definitions (the Qur'an) will realize that the nature/culture dichotomy is a creation of European philosophical discourse. Nature and culture, and the associated linking between nature and female and culture and male, were shown not to be universal dichotomies at all, but rather culturally and historically specific ones, which were developed and fleshed out by European Enlightenment philosophers such as Rousseau.<sup>171</sup>

Parallel to the legal parity sought by the Women's Liberation Movement is the legal bandage of *affirmative action*. This is a plan or program to remedy the effects of past discrimination in employment, education, or other activity, and to prevent its recurrence. Various federal and state statutes require affirmative action to redress past discrimination against, or promote the employment of racial or religious minorities, women, handicapped workers, disabled veterans, veterans of the Vietnam era, and to some extent,

the aged. Affirmative action usually involves a work-force utilization analysis, the establishment of goals and timetables to increase employment of underrepresented classes of persons, an explanation of methods to be used to eliminate discrimination, and the establishment of administrative responsibility to implement the program. In addition, “good faith” and a positive effort to remedy past discrimination must also be shown. Affirmative action is required by law or regulation for all government agencies and for recipients of public funds, such as contractors and universities. Affirmative action is to be distinguished from anti-discrimination or equal opportunity laws, which forbid unequal treatment rather than requiring positive corrective measures. In 1978, the US Supreme Court held that affirmative action programs are valid, but that explicit racial quotas are prohibited.

Affirmative action is supported by those who argue that some form of preferential treatment is essential to break down long-standing patterns of discrimination against minorities and women so that employment patterns will more accurately reflect the pluralistic nature of American society. Such action, it is believed, will strengthen confidence in public and private institutions. Critics of affirmative action claim that it constitutes “reverse discrimination” regardless of the merits of preferential treatment, and despite the objections of previous Republican administrations, the Supreme Court has endorsed most forms of affirmative action if the plans are voluntary, do not violate established seniority systems, do not unduly harm innocent victims, and do not involve quotas. Where justified, however, the use of quotas has been upheld to remedy the effects of past discrimination. So these are examples of man “hitting and missing” in the material world as he resorts to legal force instead of moral self-discipline to address divisive social problems.

This Qur’an is an open Book. Non-Muslims should be reading and understanding it as much as the Muslims — it was not meant for an “in-bred” religious community. Throughout the *sūrah*s and *āyāt* of this measured Book, men and women are shown to complement each other physically and socially, spiritually and materially.



Those who dissent from this trusted Text do so at their own peril, with all the negative and destructive consequences to follow.

Another discrepancy characteristic of a world unconscious of Allah (ﷻ) is the question of compensating women at the same rate as men — better known as *comparable worth*. This idea — that certain occupations, though different in nature, are of equal value and should be equally compensated — was advanced by the women's movement for equal rights. Questions of comparable worth usually arise in reference to wage inequalities that are perceived to exist as a result of the traditional roles of men and women in American society. Thus, certain occupations thought to be “women's work” (nurses, librarians, school teachers, secretaries) operate on lower wage scales than male-dominated jobs (mechanics, truck drivers, construction workers, garbage collectors), though clearly of equal, if not more worth to a business or society.

Comparable worth has emerged as a major issue in the women's movement. Working women earn only about 60% of the average annual income of working men. Women's rights advocates use such figures to argue that discrimination in the work place still exists. Opponents argue that income differentials between men and women are the result of factors such as job seniority, educational background, individual job preferences, and women's life choices in childbearing and intermittent labor force participation, which are unrelated to employer discrimination. Comparable worth is to be distinguished from “equal pay for equal work”: the latter covers similar jobs requiring similar skills, while the former involves comparing the value of different jobs and resultant wage inequalities.

This is a sample of how the “most advanced society” on earth has tried to “rectify” the abuse of natural and civil rights. It did not come out and reject God in theory; but it rejected His word, His care, His love, and His instructions in all matters including the issue of sex and gender. There is no doubt that in regard to women partial progress has been made in this matrix of *jāhili* ingenuousness. But the sheer volume of laws and procedures in this “civilized nation” is indicative of the fact that, despite a costly process of trial and error, the moral fiber of the country is weak because there is no

certain body of information to rely upon — such as this incredible Book of justice.

In a God-obeying society there is no justification for the tyranny of one gender over the other. There is no self-centered economic class that makes money out of exploiting the weaker sex. There are no power-centered elites that prey on powerless segments of society, women being the foremost victims. Men and women are viewed as co-equals, cooperating and coordinating with each other to make love blossom, to enrich the family with compassion, and to infuse society with warmheartedness and fond regard.

If this is the case, male and female work with each other and not at cross purposes, one against the other. The “civilization” of conflict has become so intrusive that it has introduced conflict between the two most intimate people on earth: husband and wife. The conflict charged society in the West no longer cares if a woman by birth turns masculine by profession. Throw her into the ravages of war, let her kill enemy forces, and force her to fight for a living. And let her do all this on a “voluntary basis!”

In a Qur’anic society what is the position of women when it comes to combat duties? How can women have the luxury to think about warfare when they and everyone else spend all their lives thinking about returning to Allah (ﷻ)? How about inheritance: why do women get half of what men get in the larger scheme of *irth* (inheritance) regulations?

Firstly, a woman’s role in the affairs of jihad needs to be examined and explained. It is a woman’s prerogative to not fight the enemy at the front lines of battle or any other kind of combat engagement, even though that may become necessary when the enemy threat looms and increases to the point where the men cannot handle it by themselves. For the men of an Islamic society (husbands, fathers, brothers, sons), jihad is their primary call of duty when Muslims are in a state of war, when they are attacked, or when they feel an imminent military threat. In early Islamic history Muslim women did go out to the battlefield; they were not just mourning the dead or supplying the wounded. This, obviously, was not the norm, but nevertheless it was real, setting a precedent for all future

generations of Muslims to be able to collaborate with each other when a job has to be done, even if it is of a military nature. The thing to note here is that women only go to war when they have to, whereas men have to go to war every time there is a war.

It does not take a doctoral dissertation to explain that in the nature of things women are not made to fight and kill. They are impregnated with life, they carry life within them for nine months, they nurture life, and they give life. This whole process cannot be easily reversed by recruiting women for bloody military encounters where death is all around. Body parts, mutilated human beings, gory battlefields, injured bodies, amputated limbs, and men breaking down psychologically — all these nerve-racking and life-and-death moments simply run counter to the life-bearing, life-giving, and life-nurturing disposition of women.

Secondly, on the surface of it, insofar as men inheriting twice the amount that women do, one may get the impression that there is some type of imbalance or bias against women. But that is only shortsightedness. In the big picture of complementary and cooperative relationships within a cohesive, well-balanced society, the financial responsibilities of the family fall squarely on the husband or father. Therefore, he is expected to deal with, respond to, and address all financial obligations and requirements. To begin with, it is the man who gives his wife-to-be her bride-wealth (dowry). And it is never the other way around. It is the man who covers the expenses of his wife and children; the wife or mother is exempted from any of that. Even if she does have money of her own (either earned or inherited surplus money), she is neither expected nor asked to spend her money on her own family. If any member in the family is required to disburse any monetary sum for any legal reason it is the man who does so and not the woman. A man is compelled to provide for those who are in need in his family circle, for those who are handicapped or disabled, and for those who for one reason or another are incapable of gainful employment. A woman is released from such obligations. She is not obliged to financially participate in her family's financial security. Following a divorce, a woman may collect financial compensation for breast-feeding the baby and for its breeding

and upbringing. A divorced husband is obligated to cover all such expenses, along with her alimony. From this reality, it is obvious that the financial responsibilities of a husband exceed those of the wife; and if that is the case it only makes sense to allocate the husband (the male) twice the inheritance the female receives.

A woman is tasked with the crucial and sensitive role of preparing the spiritual, psychological, physical, and biological well-being of her children and she cannot be distracted by the pressure, and often the accompanying anxiety, of bills and payment demands. On the other hand, in a capitalist-materialist society, money comes first. In that case a mother will have to leave her children and a husband will have to leave his family: both will have to “trash” family love and solidarity for the sake of paying bills and meeting deadlines. When monetary and financial concerns are socially prioritized there is no room for allocating finances to one sex and family nurturing to the other sex. Whether the capitalist, materialist world likes it or not, this comes out to be a form of discrimination. In the name of money, equality is the first consideration on everyone’s mind, but it is not a value in real life.

This is the kind of environment in which women become inherited objects, sex objects, and commercial objects. This is almost always the case in societies that drift away from Allah (ﷻ). This was the case in the “primitive” societies of ancient history and it is the case today in the “civilized” societies of the modern world.

Allah’s (ﷻ) “revolutionary words” placed male and female, man and woman, husband and wife, brother and sister, daughter and son on an equal par. But today, the cultural or folklore “Islam” is in some instances as alien from this spirit of equality as are the governors who rule in majority Muslim countries from the spirit of justice. Safeguarding equality and guaranteeing justice are so obvious in the Qur’an that only a person of prejudice and a body of bias can libel Islam or the Qur’an as the pretext for the mistreatment of women, “wife beating,” and gender discrimination. Where can one find in this unsealed Scripture, which is equally accessible to Muslims as well as non-Muslims, any evidence of their tendentious and slanderous claims? If this Book is approached with objective minds

and undefiled feelings, and without ulterior motives, the reader cannot but submit to the fact stated here and in many other *āyāt*: there is a court of full honors bestowed on women, and that is done not in the spirit of revenge, nor in a manner of feminism, and nor as a concession from males to females. It is done in the unqualified spirit of equality, reciprocity, and mutual compassion that binds both sexes together for the purpose of building a family with the same cooperative spirit that it takes families to build a society.

In this everlasting codification of justice and the truth (the Qur'an) a woman has the right to own, to become gainfully employed, and to share in the common tasks of life in a manner that rounds out and refines the joint responsibilities of her family counterpart. And this is equally true of men.

Islam is superior to secularism and any doctrine that rejects scripture and revelation when it comes to human behavior. The contrast in the bonds of matrimony between the two systems is a good case in point. Marriage in Islam is not like marriage in the stumbling human condition that has disunited from Allah (ﷻ). In fact, it is not even like marriage in the tainted culture of a West that claims it is “Christian.” In an Islamic society, unlike secular Western societies, when a woman is married she retains her surname (family or last name), and continues to enjoy her full civil and legal status. Her belongings, property, and wealth, be they insignificant or considerable, are hers alone, and they cannot be expropriated by her husband or his family,

**And if you seek to supplant a spouse with another spouse and you have given her a cantar, you may not recover any of it;<sup>172</sup> would you do so when it is tantamount to a shenanigan and an obvious feigning? And how could you regain it when both of you gave yourselves to each other, and your wives have drawn a grave assurance from you [the husbands]? (4:20–21).**

To protect wives from greedy husbands, Allah (ﷻ) also says, “...it is not lawful for you to take [back] any [money] you gave

them” (2:229). All these precautionary instructions apply to what the husband has given his wife; it goes without saying that the husband has no access to, and cannot interfere with what belongs to his wife (that is, what she might have earned or inherited) unless of course that is done by mutual consent or by the wife’s voluntary consent. To this end Allah (ﷻ) explains,

**And offer women [wives] their matrimonial due in good will [and unselfishness]; but then if they [the wives] concede to you any amount of it out of their own free will, then you may partake of it pleasantly and in a satisfactory manner (4:4).**

This regulation of monetary assets and things of value in a family and within society is not left up to some husbands, local notables, or the judges, because it is simply impossible for them, even if they have the best intentions at heart and the best information in mind, to match financial obligations with human nature. In the secular world there is a *dower*, which in its “hit-and-miss” laws is defined as the provision for a widow out of the lands or tenements of her deceased husband, for her support and the nurturing of her children. In this scheme of things the extended family network in which a nuclear family is located has virtually no legal standing when it comes to psychological, emotional, physical, and financial support. Unlike the tightly-knit family nexus in Muslim society, secular society strands a family in a web of materialism where workplace relationships are weightier than those among family members. It is left up to a magistrate somewhere (common law) to define in terms of financial and monetary value a *life-estate (dower)* that a woman is entitled to claim on the death of her husband.<sup>173</sup> The term *dower*, both technically and in popularly accepted usage, refers to real estate exclusively. *Dower* in modern legal parlance is distinguished from *dowry*: the former is a provision for a widow on her husband’s death whereas the latter is a bride’s portion on her marriage.

In the unsettling world of laws defined by interest groups, male chauvinism, or cultural norms there is a loose concept of

*dowry*. This refers to the property a woman brings to her husband in marriage; now more commonly called a *portion*. The word expresses the proper meaning of the *dos* in Roman law, the *dot* in French law, and the *dote* in Spanish law, but is very different from *dower*, with which it has sometimes been confounded. To take one definition (the Louisiana Civil Code) out of many shifting and disagreeable ones, *dowry* refers to the effects a wife brings to her husband to support the expenses of marriage.<sup>174</sup> It is given to the husband, to be enjoyed by him so long as the marriage shall last, and the income of it belongs to him. He alone is responsible for administering it during marriage, and his wife cannot deprive him of it. The real estate settled as dowry is inalienable during marriage, unless the marriage contract contains a stipulation to the contrary.

These are some anecdotal comparisons between the woman's God-given rights as presented in the Qur'anic words of justice and the civil and secular laws that are imposed on women by lawmakers in countries of Euro-American civilization. After this contrast we can appreciate Allah's (ﷻ) words even more as He says, **“Ask, therefore, Allah [to give you] out of His bounty: behold, Allah has indeed full knowledge of everything.”**

### **Non-Family Members Also Have Inheritance Rights**

Distribution of money, property, and holdings goes along two lines: a hereditary one and a fealty one,

**And unto everyone have We appointed heirs to what he may leave behind: parents, and near kinsfolk, and those to whom you have pledged your loyalty: give them, therefore, their share. Behold, Allah is indeed a witness over everything (4:33).**

This *āyah* reinforces some established facts. One of them is that both men and women are equally entitled to the fruits of their respective labors. Moving along these lines, both men and women are apportioned inheritance allocations to complement their joint

efforts in managing the family and building the society on the one hand, and to supplement their individual, specific responsibilities on the other. Hence attention is focused on the fact that capital dispersal is done along family and fealty lines: assets are dispersed from parents into families. This transfer of assets goes on from one generation to the next. Heirs gain from this reassignment of property and wealth, adding on to their own hard-earned possessions. This is how assets and fortunes are dissipated in an Islamic moral frame of reference. In this manner, wealth and anything of material value or usefulness is neither limited to a certain generation, nor is it concentrated in a family, and nor can it be particularized to an individual. There is a moral force that keeps on breaking down the material wealth owned by a person or business. The continual circulation of money that results from the generational distribution of land estates, funds, and finances then becomes an enduring feature of society. And this divine approach is anathema to man-made laws that, history has shown, tend to concentrate wealth, limit circulation, and omit heirs.

There is another channel for circulating accumulated wealth at death: to those who were not blood relatives of the deceased but rather his *mawlās* (individuals who became “virtual” family members by dint of his sponsorship). The following is a summary of such individuals who qualify for inheritance even though they are not blood relatives.

1. Those who have an affinity with the deceased by reason of his freeing them from captivity. This means that a “slave” who has been freed from slavery joins the family of the person who “freed” him. The patron pays the *diyāh*, and now the heretofore “slave” joins the family of the patron. This also means that the financial responsibilities incurred by the previous captive are now the responsibility of the patron.

In some instances there may be individuals who have been dislocated from their families; the flux of wars against Muslims, for instance will inevitably lead to such a situation. In this case these dislocated individuals may join a Muslim family and be considered members of the family even though they



have no blood relationship to it. And in this case these members become eligible for inheritance when the head of the household passes on.

2. The exiled or banished who become ideological brothers and sisters of free people in another land or country. This happened in the Prophet's (ﷺ) time when the Muslim exiles of Makkah had to relocate to Madinah. There, the Prophet (ﷺ) commenced with establishing fraternal bonds between the Muhājirūn and the Anṣār. In this case, there were inheritance rights according to this *āyah*, and thus a *muhājir* would inherit an *anṣārī*. A *muhājir* legally became part of an *anṣārī*'s family as he was earlier torn away from his *mushrik* family environment in Makkah.

There was also a custom or “legal procedure” in pre-Qur’anic times. A person would consign the right of inheritance to whomever he wished. And both of them would inherit each other — depending on who died first. The latter two forms of inheritance — a *muhājir* inheriting an *anṣārī* and a person assigning the right of inheritance to anyone he felt inclined toward — were phased out gradually by the family and society specific *āyāt* above. From this point forward, blood-family relationships would become the most important consideration in regulating the distribution of inheritance assets. Nonetheless, whatever (good-faith) agreements existed prior to this new legislation would have to be honored, **“...and to those to whom you have pledged your vow: give them, therefore, their share.”** Man should be conscious of the fact that Allah (ﷻ) is involved in these affairs, **“Behold, Allah is indeed a witness over everything.”** Honoring previous financial agreements was a way of phasing them out. There would be no new such financial dealings in the future. This is true here and it is true especially in Islam’s undoing of usurious deals.

### **Men Take the Initiative But They Are Not Superior**

The last stretch of *āyāt* in this lesson are nothing short of a treatise on the relationship of husband and wife, much as it is the cornerstone of the family structure itself. A family is more than an organic unit of people; it is a complex web of emotions that have to be balanced and managed in a mature, mutual way. Life and nature have their necessities, relatives and kin have their demands, and each family member's internal self has its ups and downs. In order to navigate this emotional ocean each family member is going to need some combination of direction and support. If a family is to survive and prosper it cannot be subjugated to any one individual's personal desires. A husband cannot dictate his terms and a wife cannot manipulate people and circumstances in order to dominate. Similarly, a family cannot be left to the ebbs and flows of its immediate circle of relatives and folks. The family has to grow and survive the array of psychological and physical forces that are always threatening its endurance and intimidating its prosperity. It is within this delicate amalgam of feelings and urges, tendencies and preferences, likes and dislikes, personal judgments and prerogatives, that Allah (ﷻ) expresses the following words for our own good, for the comfort of our spouses, for the well-being of our children, and for the progress of our society. Listen closely to what He has to say with open minds and receptive hearts,

**Men are in an initiative position vis-à-vis women: that is because of what Allah has given them in excess and due to what they spend of their wealth. And the righteous women are the truly devout ones, who guard the intimacy Allah has [ordained to be] guarded. And as for those women whose deviation you have reason to fear, admonish them [first]; then leave them alone in bed; then jolt them; and if thereupon they pay you heed, do not seek any [further] reproach. Behold, Allah is indeed Most High, Great!**

And if you have reason to fear that a breach might occur between a [married] couple, appoint an arbiter

from among his people and an arbiter from among her people; if they both want to set things aright, Allah may bring about their reconciliation. Behold, Allah is indeed All-Knowing, Aware (4:34–35).

The above *āyāt* may simultaneously be among the most misrepresented and misunderstood, especially in a world that no longer honors the God-ordained differences between male and female. This is a world beholden to a Western civilization that has gone off the deep end when it comes to gender relationships and the complementary roles of the sexes, and such a world is further complicated by the roaming traditional and secular Muslims, who are either stubborn or apologetic about their history, societies, and even Islam itself.

The family itself has been disfigured so severely that any patchwork understanding of its composition, its members, and their roles and functions is bound to elicit scorn from establishment theorists who want everyone to submit to their definitions of sex, family, and society. In the middle of all this, the only way to regain a healthy attitude, a positive behavior, and a strong sense of what we are required to contribute as Muslims is to extricate ourselves from this secular mess. We should look at the whole issue from the altitudes of the Scripture and the summits of the Sunnah in the spirit of togetherness and the determination to do Allah's (ﷻ) will in our personal selves, in our family selves, and in our social selves.

To begin with, Allah (ﷻ) has created life out of the affinity of male and female. It takes two to procreate and generate a family, **“And in everything have We created contrastive and complementary pairs, so that you may be conscious [of Allah’s oneness]”** (51:49). In the larger reality of life, male and female are the opposite yet integral halves of the one bio-essence (*nafs wāhidah*), **“O people! Be on guard concerning your Sustainer who has created you [all] from one *nafs*, from which He created its complement [mate]”** (4:1). This is a reminder to human beings who are apt to forget basic facts: a man and a woman were not created because of each’s singular will; rather, they were created out of the consolidat-

ed will that is a combination of male and female through the institution of marriage.

One of the staple facts buried by the confounding complexity of the secular departure from God is that this bonding of male and female, husband and wife, married man and married woman was meant, among other things, to provide comfort, serenity, and peace by one to the other. The masculine nature finds its comfort and call in the feminine nature and vice versa. The human nervous system — that part of the body concerned with controlling and integrating the activities of its various parts, and with providing a mechanism whereby the individual can respond to a changing external environment while still maintaining a constant internal environment — is to a great degree “fine-tuned” by the integration of man into woman and husband into wife, so as to offer both repose and tranquility. This elaborate system that is composed of nerves and supporting cells (neurons) has reached its integrative peak in man, where the one mate finds its “charge” in its significant other.<sup>175</sup>

Besides this each spouse deflects the other from seeking its own replacement. The wife and husband both become each other’s full complement and complete number. The husband protects his wife physically and emotionally and the wife protects him emotionally and physically. The integration of two selves and the consolidation of two sexes become the shell in which the children are born and the family is raised,

**It is a demonstration of His [power] presence that He has created for you out of yourselves matching mates so that you may settle into each other and rendered between you desirous affection and grace... (30:21).**

Only animals are incapable of forming the kind of sexual attachment that develops into fervent fondness and long-lasting intimate inclination. The love that joins husband and wife together is a love that blooms into a strong, positive emotion of affection and an equally sustained feeling of care and warmheartedness. Husbands and wives were not meant to have sex in a barn; they

were meant to put together and amass their feelings in their impassioned nest of lovemaking. In this mutual and reciprocal relationship the husband becomes his wife's ensemble and vice versa, "**... your wives are your tunic and you [the husbands] are their tunic...**" (2:187).

The power obsessed world of today has no time for the delicate relationship between husband and wife. People who have power are assumed to be carrying the truth — even if that means demeaning and degrading the gentler sex. That is why in this power-centric world, men define the rules for a husband and wife relationship. And precisely because of this might-is-right culture in which it is the man who uses his power to oppress, Allah (ﷻ) counsels that while the man has the initiative in this relationship, it does not mean he has the right to degrade his counterpart in a way that hurts her psychologically or physically.

The opening-move or first-step position of the husband vis-à-vis the wife is also implied in another *āyah*, "**Your wives are your till; therefore, approach your till in a manner of your will. And provide for yourselves and be on guard concerning Allah**" (2:223). The *taqwá* mentioned at the end of the *āyah* amounts to a "restraining order" on the nature of men who are apt to abuse their physical power in their relationship with their wives. The description of both sexual selves gives them each a feeling of equality. Nothing in the *āyah* imparts a sense of superiority to the man who could in turn reflect it with unbecoming behavior. Husband and wife become via their marriage one complementary self. A wife is entitled to her rights and duties equally in this relationship; she has the right to own and to inherit. Why? Because her civic character and status are enshrined in these reverent words.

To begin with, a family is the repository of the sexual, psychological, and social feelings and emotions shared by husband and wife. The meeting of their souls, selves, and spirits offers both of them and each of them simultaneously the relaxation and relief that draw both of them closer so that they care for each other. In this dwelling relationship they also shield each other from evil temptations, they secure each other from falling into moral sin, and

they shelter each other from the tension and stress that build up in the lives of unmarried men and women.

The social function of this stable family is to provide society with the means of growth, expansion, and stability. This family unit is expected to be strong enough to be able to potentially take on “social responsibilities” such as accommodating widows and orphans, and caring for its immediate kith and kin. Some of these responsibilities and duties have been delegated at the outset of this *sūrah*, while others are expressed here and there throughout this multifaceted Manifest. This family dynamic was discussed briefly in *Sūrah al-Baqarah*, and yet further details and dynamics will be covered in other *sūrahs*, especially *al-Nūr*, *al-Aḥzāb*, *al-Ṭalāq*, and *al-Taḥrīm*. There are also other provisions in the Qur’an that — when all are put together — demonstrate how pivotal a family is to individuals and to societies. The whole issue of family life in a God-ordained world order cannot be overemphasized.

The family is the only human environment that qualifies to give an infant, a child, and a growing individual the psycho-physical attributes that will help him exploit his full range of potential. It is the family and family life that offers a growing individual the education and evolution that are necessary for a healthy and productive life. It is the family and its climate that enable one of their maturing members to become part of and then make a positive contribution to society. Without a family, minors or youngsters will grow up tainted; they will eventually recognize they grew up lacking the love and attention that are only available within a family setting. This dynamic of preparing future generations for their tasks in life is critical to the overall well-being of society.

It is this family air of sentiments and passions that form the essence of a good-natured person and from there a sound society. In this family, the engine into the future, the highest position of esteem goes to the wife and mother — a function that can never be underestimated. Her persona is free to be its feminine and womanly self. The whole family is centered around her liberty to live out and through her ladylike endowments, in short to fulfill the predicates of her unique character, and to not be sidelined by the social-engi-

neering prerogatives of God's enemies. Honoring mothers and wives in this context is a duty that fulfills the Will of Allah (ﷻ).

It is in this set of facts and circumstances that the words of this *āyah* are placed. The nagging tension and irritable friction characteristic of secular gender rivalry do not belong in a normal relationship between husband and wife. If friction and tension become the "norm" in a couples' life then there is a dysfunction in what is meant to be a marriage free from constraint and embarrassment. We are human beings — both male and female — and there are times in life when stress and pressure may strain the marriage, but that strain should only strengthen the bonds of co-dependency as it is that characteristic that will ultimately carry both through the crisis. However, if the strain morphs into a dispute or misunderstanding, then it should be referred to the standards of the Scripture and the criteria of the Sunnah.

One of the first facts of life trampled by feelings of grievance and emotions of victimhood — and made worse by the arrogance of power — is that the *quwāmah* (the initiative) belongs to the man. What should be immediately unequivocal is that by stating this fact in the Qur'an, Allah (ﷻ) is not giving man a superior position and woman an inferior one. Men having the physical or sexual initiative does not in any manner infer that women are second-class human beings. This whole notion of generalizing such a claim has no basis in the Qur'an and Sunnah; instead its basis lies more precisely in the materialistic and secular world that defines human beings and human relations from strictly a power perspective.

This whole issue will inevitably lead to an acknowledgement of the reality that there are differences between men and women. There are physiological and psychological differences. But these differences do not in any way whatsoever imply that a man is in control of women or that women are substandard to men. Stating the facts that distinguish male from female does not mean that husbands are superordinate to their wives, nor does it mean that wives are subordinate to their husbands. These very same differences between husband and wife are meant to solidify their unity, to integrate their union, and to cement their matrimony.

**Men are in initiative positions over women due to what Allah has augmented some of them over others and due to what they spend out of their money... (4:34).**

This *āyah* is located in a context that speaks to family, finances, and their interrelationships. It is not strictly and narrowly concerned with male-female relations in the abstract. Rather it is describing a real world situation where men and women get married; and as a result of this marriage they have family responsibilities and financial duties. Both of them understand, as they follow Allah's (ﷻ) careful and caring words, that they are to lift their common responsibilities in proportion to their corresponding gender roles and in a way that does not violate human nature. It is in this atmosphere and as a measure of His mercy that Allah (ﷻ) helps them out. He tells them what they may, at times, want to disregard in their rush to try to equalize the sexes. He opens up their minds, extends their attention, and moves their hearts to understand that equality — though they have the same legal standing and bear the same moral weight as men and women — does not mean sameness, interchangeability, and indistinguishability.

Because of the impact of masculine physical power, the fact that becomes skewed in this relationship is that men are the gender of initiative. They take the first step in the marriage process and they proceed with the opening move into uncertain territory to secure the financial wherewithal for their babies and infants. This historical constant and inter-gender feature has been maligned many times over by those men who abuse their power to subjugate their wives. And because of this, the issue no longer is one of husband and wife standing together to share family responsibilities and reciprocate human nature. On the contrary, it has turned into a “family jungle” because of the man’s or the husband’s misunderstanding of this *āyah*.



### How Patriarchy Underpins the Modern Secular Culture

Taking the discussion into this direction unavoidably leads to the historical experience of humanity with patriarchy. The term *patriarchy* in the male dominated world literally means the *rule of the father*. This almost absolute position throughout time has morphed into systems of legal, social, economic, and political relations that validate and enforce the superiority of male heads of families over the other dependent persons in the household. In classical Western patriarchal systems, such as those regulated by Hebrew law or Roman law, these dependent persons included wives, unadopted children, and slaves, as well as various other groups of dependents, such as clients. In Roman law, the term *familia* referred to all persons and things ruled over by the *paterfamilias* (the male head of the household), including animals and land.

Various groups of males, such as sons and male slaves, were also ruled over by the *paterfamilias*. But women have been subjugated in patriarchal societies in a more absolute sense than either male children or male slaves. The former (sons) could grow up to become independent householders, and the latter (slaves) might be emancipated and become householders. But women, first as daughters, then as wives, and sometimes even as widows, were defined generically as dependent on the patriarch or *paterfamilias* in whose house they lived. Combining the statuses of female and slave, the female slave had even less protection from physical and sexual abuse.

Patriarchy is not to be understood as particularly Jewish, nor is it to be seen as arising primarily out of Hebrew patriarchy. As a social system, it is found in classical religions and societies around the world. Some social scientists believe that the patriarchal family was the aboriginal order of human society and hence is natural and inevitable. But others in the secular West have challenged these assumptions. They argue that, around the 4th millennium BCE, patriarchal social systems arose with the change from gardening to plow agriculture, the development of private landholding, urbanization, and class stratification including slavery. Before that, and alongside these patriarchal cultures, they say that the predominant

hunter-gardener societies, which reached back to the dawn of human evolution, as well as early hunter-gardener societies that arose around the 19th millennium BCE in the ancient Middle East, allowed for more equal gender relations, characterized by communal landholding, little or no class structure, and balanced spheres of production and power for adult men and women.<sup>176</sup>

The secular mind, as it drifts away from scriptural facts, maintains that ancient tribal societies, which were more strictly patriarchal, seem to have been those nomadic animal-herding societies devoid of a major female gathering and gardening role. This line of thinking says that strict patriarchal religions may have developed in the ancient Middle East as nomadic animal-herding tribes invaded and settled agricultural areas. It goes on to suggest that by conquering mother-right cultures, which had developed there, and by gradually repressing religions with prominent mother-goddesses, religions with an exclusively male patriarchal God emerged.

What is telling is that the gender inequality and the sex sensitivity that has gripped the secular mind has caused it to try to define God in terms of (biological) sex. This failure to place God outside the created world, part of which is its male-female makeup, has led many social scientists to say that Judaism and Islam are both Semitic patriarchal religions. Following this same train of thought, they say Christianity, though, inherited a double patriarchal culture, through both Judaism and Greco-Roman societies on the one hand, but also, on the other hand, through partially suppressed female symbols for deity from both sources, which were expressed in wisdom images of the divine.

The status of women in classical patriarchal systems contains many nuances, depending on whether remnants of mother-right religions remain, and on the ways in which women are related to their family of origin as well as to that of their husband. In addition, economic and legal changes and the spread of education can create periods of liberalization of patriarchal law, such as those which took place in the Hellenistic period and again in later Roman law. No single system that would encompass all patriarchal societies at all times has thus far been defined. However, it is possible to generalize

the characteristics usually found in patriarchal societies, although all may not be found in them in the same way and at the same time.

Firstly, women are defined legally as dependents on the male head of family: their father, husband, or guardian. In an Islamic, Qur'anic definition, a woman in the family is autonomous enough not to be lower in rank than her husband, father, or guardian. In non-Qur'anic societies women lack autonomous civil status or can exercise it only in extraordinary circumstances through a male guardian. This means that women cannot exercise legal or political power in their own right. They cannot vote, hold political office, represent themselves in a court of law, or enter into contracts in their own name.

Secondly, women are economically dependent. This does not mean that women do not do productive labor, but rather that their economic productivity, be it in the home or out, belongs to their fathers or husbands. Restrictions are placed on women as inheritors of property: they inherit less land or none at all compared with their brothers, and what they do receive from their families is more likely to be "portable" wealth. What property they inherit or the dowries given them in marriage are often managed by their husbands or male relatives.

Thirdly, women under patriarchal law also suffer various restrictions of rights to their persons. These may mean that they cannot decide who they will marry, or that this decision is made by their parents, particularly their fathers, and they must comply. Daughters of wealthy families with potentially large inheritances are more restricted than daughters without inherited wealth. Upon marriage women lose membership in their own families and are transferred into the families of their husbands, often with exchange of goods between the male heads of family and the payment of a bride price by the groom or a dowry by the bride's family.

Fourthly, since the lineage of the children descends through the father (patriliny), female chastity is strictly guarded before and during marriage, and violations on the part of the female are severely punished in order to ensure that the wife's children will be those of her husband. Killing a bride found not to be a virgin at

marriage or an adulterous wife is common in patriarchal systems — not because of a sense of obedience to God but out of faithfulness to this cultural patriarchy. By contrast, males are given “sexual carte blanche,” provided they do not impinge upon the daughters or wives of “honorable” families and confine their promiscuity to second-class women such as female servants, prostitutes, and mistresses. In this masculine culture, male children are preferred to female children, and there is a sharp distinction between legitimate and illegitimate children.

Lastly, in some of these patriarchal traditions husbands are generally conceded the license to confine their wives and physically beat them, as well as their children and slaves, although provision is usually made that a husband should not permanently maim or kill his wife unless she is adulterous. American law until the late-19th century still allowed husbands to beat their wives as long as they did not use a stick thicker than their thumb, hence the phrase *rule of thumb*.

In the world of power definitions — away from Allah (ﷻ) and His accurate words — the husband is regarded to have unlimited sexual access to his wife, whether she desires it or not, since she is his property for sexuality, reproduction, and labor. Children also are seen as belonging legally to their father, who has the right to expose them at birth, sell them into slavery, and beat them. These fates fall disproportionately on unwanted female children.

The massive abuse of wives by their husbands, the power position of male toward female, and the overall rubric of a patriarchal culture has forced many women and wives to contemplate acts of contraception and abortion. Although knowledge of methods of contraception has existed for a long time in history, such methods have traditionally been practiced by prostitutes but the knowledge of them has been kept from wives. In this breach of “oneness” between husband and wife, the married woman’s body and its “fruits” are the private property of her husband. In some of these traditional cultures rape is seen as an offense against the property rights of the woman’s father or husband, not against the woman herself. Rape of the “loose” woman, the slave, or prostitute is not

considered to be as offensive as the rape of a married woman or marriageable daughter. Patriarchal law also gives the husband, but not the wife, the right to divorce, particularly if the wife is adulterous or fails to produce a male heir.

Women are excluded from the exercise of public roles of power and culture and from the education and credentials that lead to these roles. Women cannot hold political or military leadership positions, although there can be exceptions to this when a woman becomes a placeholder in a hereditary office due to a nonexistent male. Women also are generally excluded from priesthods, particularly those which pertain to civic religious duties, and from professional roles that require higher education, such as lawyers, teachers, and academically trained physicians. This meant that women were excluded both from access to learning and from shaping the public culture, although there were exceptions to this in upper class households that built up private libraries.

This exclusion from learning and from contributing to the public culture under patriarchy accounts for the almost exclusively (elite) male fabrication of public culture and the definition of women from this male point of view. Women typically have greater difficulty gaining visibility and credibility, even when they manage to acquire an education and produce cultural creations of comparable quality to those of ranking males in their cultures. Since the cultural creations of women are not incorporated into the public heritage that is taught to the next generation of male students, such cultural accomplishments of women have been continually lost, have been erased from the collective cultural memory, or have survived by accident, often by being thought to be the work of a male.

Patriarchal social systems with these characteristics form the predominant background of Western civilization, in both its Hebrew and Greco-Roman roots. Patristic Christianity reverted to some of the stricter aspects of patriarchy, negating some of the gains made by women that had developed in later Roman society, such as divorce and the exercise of economic power. But Christianity modified somewhat the marriage rights of parents over daughters

through the institution of celibacy, allowing females to resist parental demands to marry by asserting a vocation of virginity.

It may very well have been European Christianity's contact with the Muslims that forced it to accept female consent to marriage and a homogeneous standard of sexual morality for men as well as women, to allow access to divorce, to reject concubinage, and taking things to extremes, to reject the necessity and/or compatibility of certain men taking more than one wife at a time. Maybe because of this marital inflexibility toward widows and orphans, medieval Christianity accepted prostitution, even though sinful, as a "necessary social evil," following the opinion of St. Augustine of Canterbury.<sup>177</sup> Yet even on matters of female consent to marriage and on divorce, the Church, in practice, often accommodated the dynastic improprieties of powerful feudal families.

European legal codes that emerged as national law in France, England, Spain and elsewhere in Western Europe in the early modern period (17th century) reflected an expansion of patriarchal principles, annulling some of the access to education, guild membership, and political roles enjoyed by some women in feudal and early urban societies. In English and American society, and even longer in French society, such patriarchal codes remained substantially intact until the early- to mid-20th century.

It was only in the mid-19th century that English and American women began to challenge the traditional legal structure that denied women higher education, civil rights, and property rights. In the USA this challenge began with the first Women's Rights Convention in 1848 at Seneca Falls, New York.<sup>178</sup> Over the next 70 years American women won most property rights, access to university and professional education, the right to enter professions such as medicine and law, and finally the legal status of citizenship, giving them the right to vote and hold political office. Access to the ordained clergy was, however, much slower in opening up to women. Except for a few small churches in the late-19th century, there has been major change in this area only in the last few decades.

Although patriarchal law codes that defined women as dependents without legal status in their own right, and barred them

from higher education and public leadership have been largely dismantled in Western societies, remnants of this subordinate status of women remain strong even in these countries. Legal codes retain some residue of this subordinate status, such as the law that the wife takes her husband's name and thus merges with his legal identity at the time of marriage. Patriarchal patterns of gender relations continue to be transmitted by culture and custom, particularly as sanctioned by traditional religion. Women are socialized into a subordinate and auxiliary role in the family and society by cultural patterns transmitted through the family, church, and school.

The economic division of labor between compensated public work done by men and unpaid domestic work done by women also makes it difficult for women to compete with men on the job. Women do the domestic support labor both for themselves and for men, while men are freed from such work by women. Hence the woman who tries to compete with men on the job is handicapped by the "second shift" of female labor that the male generally does not have to do. Although it is becoming more common for some males to share domestic work, particularly when wives work, these cultural and economic patterns continue to be powerful ways in which patriarchal gender patterns are perpetuated, even in the absence of formal legal codes that institutionalize female subordination. Despite the fact that women are present in paid employment in large numbers, they seldom hold the better paying positions or are given equal pay with men in comparable jobs.

Women also continue to be subordinated by physical violence and by denial of reproductive self-determination. Rape and domestic battery is common even in the middle classes in Western societies. The right of birth control was conceded to women by Protestants in the 1920s–1950s, but continues to be denied by Roman Catholicism.

By virtue of being thoroughly dissociated from scripture, this gender anarchy and the incompatible social roles of husbands and wives fostered in the 1960s a feminist movement in Western Europe and North America; in a short time, it spread to countries in Asia, Africa, and Latin America. The feminists saw that patri-

archy, far from being eliminated now that women had access to higher education, legal and political rights, and paid employment, had simply been redefined. Patriarchy thus continued unabated in renewed forms in social structures and in culture. Feminists sought to understand the history of patriarchy as a system and its forms of perpetuation in the modern world.

Economic hierarchy under which women do both the unpaid domestic labor and the low-paid public labor is a major structure that perpetuates women's subordination. Men monopolize better paying jobs that carry power and prestige. A woman's pay averages 60% of a male's, even though women carry the "second shift" of housework. The poorest women are those who seek to do both jobs for themselves and their children as female heads of household without a male partner. The poorest families in all countries are those headed by females.

Also the basic psycho-cultural definitions of maleness and femaleness, based on dominance and subordination, continue in modern cultures. The association of masculinity with violence, both military and interpersonal, is key to how gender roles are defined. Male status is linked to the right to exercise dominating power over women and weaker men, while women are socialized to reconcile themselves to male military violence and acquiesce to it in interpersonal relations. This culture of male violence seems infinitely capable of being revived whenever it is challenged, whether that is expressed by a president of the United States going to war anywhere he sees fit to prove his manly qualities, or by the male in the family putting his wife and children "in their place" with his fists.

Despite the emphasis on women's upliftment in the United Nations, current studies have shown only token improvements in women's status from 1965 to the end of the century. There has been little structural change in basic patterns that find women, in their combined labors, working longer hours than men for lower pay and having far fewer economic assets. Indeed with the end of the Cold War, the gap between rich and poor, with women forming the major part of the growing poor, seems to be widening.<sup>179</sup> Government programs that previously subsidized social needs are being dis-



mantled, with the major burden of these losses falling on women and children.

In conclusion, patriarchy, both as a psycho-cultural pattern and as a social and economic system, has been modified and redefined in modern industrial societies in a way that gives women formal equality of citizenship. But it continues as a major component of the way in which social power and personal identity are defined for both men and women. Social violence and widespread injustice in society are fed in many ways at their roots by sexism. These patterns cannot be significantly changed without uprooting the patriarchal presuppositions that undergird them.

### **Rights of Men and Women are Related to Their Responsibilities**

After this somewhat lengthy probe into the Western secular mind and its struggle with the concepts of sex and gender, the domestic space versus the public domain, and patriarchy as a historical contrivance of male domination, resulting as it has in all of this confusion and misdirection in our family and social lives, should we not begin to listen to what Allah (ﷻ) has to say about this matter? Firstly, He created life out of two counterparts — man and woman — that combine because of their sexual affinities and compatibilities into husband and wife. This procreation of life is not peculiar to humans; it seems to be the basis of all living matter. In the meeting of these two masculine and feminine souls, it falls upon the female half to become pregnant, to bear children, to give birth, to breast-feed, and to more closely nurture the newborn through its formative years of life. This duty is consistent with the womanly nature. Doing it is not demeaning; it does not place a wife and mother in an inferior position and it was not meant to strip away her rights or deny her equality. Doing so would be tantamount to taking issue with the nature in which Allah (ﷻ) created human beings; and if they are His devout subjects they would never want to protest or confuse the way He has created them. These female tasks are not only necessary they are also crucial and life-centered. The position of motherhood is not an easy one, nor is it free from worry and anxiety. And only a

female, a woman, a wife, and a mother is physically, physiologically, biologically, psychologically, and organically qualified for this pivotal role in family and in society.

So if the wife is going to be burdened with the stressful conditions of giving birth to a child and then preparing him for adulthood and maturity, it is only fair to assign the man of the house — the husband — the other responsibilities and duties that come with family and social life. He is after all her other half. Therefore, it falls upon him to secure the family's bread and butter. He is also required to protect his wife and children from any outside danger. A wife and mother spends her time providing new life from inside the family and, correspondingly, the husband and father should spend his time providing protection from external threats that may endanger his family's well-being. Never should a wife or mother be burdened with producing children and providing for them at the same time. She produces and he, her husband, provides. This should be fair enough. And the man or husband comes well-equipped, as a validation of his masculinity, to be able to physically, physiologically, biologically, psychologically, and organically protect, defend, and secure his family (wife and children).

A woman's God-given nature, which elevates her a degree above men when it comes to her emotional warmth and tender disposition, should never be used against her. Any man who does so and tries to capitalize on his more robust and sturdy constitution becomes irregular with the Will of Allah (ﷻ), who created both these feminine and masculine analogs for "fitting into each other" rather than for exploitation or subjugation. Power has a corrupting leverage, especially when it is applied in a premeditated and deliberate fashion within the relationship of the two most intimate individuals on earth: husband and wife. A happy marriage is one in which there is no intra-family power consciousness.

Men and women were designed to make it through life harmoniously through mutual support, interdependence, and complementarity. In this regard, the words of this truthful Book are certainly reassuring, **"Men are in initiative positions adjacent to women; that is because of the complements He has given some over others**

**and because of what they expend.”** There is no doubt about the fact stated here: men are in oncoming positions vis-à-vis women. To use the words of laymen, men are expected to make the first move. This states a fact that pertains to human nature and to its augmentation in the institution of marriage followed by family life.

This initiative position *never* gave the man a position of superiority and the woman a position of inferiority. This has to be made clear, especially since there is a body of “Islamic” creative literature that makes the reader feel as if the man is some type of overlord when it comes to his wife. The word *qawwāmūn* in this *āyah* has been variously defined as *superior*, *controlling*, or even her *ruler*. Some Muslim learned men claim that a man (husband) is in such a position because he is physically perfect and substantially stronger; his wits are not dimmed; and his emotions are balanced. Therefore, a man is a notch above a woman in his thoughts, opinions, determination, and strength. In substantiating this position, the logic goes on to cite “evidence” that because of these qualities, men — and only men — were selected by Allah (ﷻ) to become apostles, prophets, imams, judges, and leaders all the way from congregational assemblies to confrontational armies. This line of thought continues yet further to say that men, and only men, are qualified to divorce their wives and not vice versa.

This is precisely the same dichotomy that arises from power consciousness in the relationship between husband and wife in particular, and thereby between men and women in general. It is true that men are better equipped to handle (physical) power challenges in life. In primitive life way back when in history, if a wild animal was on the verge of attacking a family it was only natural for the man (husband) to risk his life in the protection of his family. In the modernized materialistic life of today, if a criminal is contemplating murder, it is similarly natural for the man to take the initiative and place his life on the line for the safety of his family. This is a complement in the male’s nature that cannot justify some type of female oppression. How did all this get confused and translated into male machismo? The answer is probably related to a misplaced power consciousness.

Male and female are on equal grounds in a scriptural society. The man has an “ability edge” when it comes to tasks in life that require physical strength, just as a woman has an “ability edge” when it comes to tasks related to emotional nurturing. But never is this physical profusion to be used as an excuse for any man to make his wife feel inferior or subordinate. Such an understanding simply does not come from the Qur’an or the Sunnah. The women in the Prophet’s (ﷺ) household — among them Khadijah, ‘A’ishah, and Fāṭimah — have never been viewed, in any classical Islamic literature, as substandard or subaltern in their relationship with him, **“Owed to them [females] is in proportion to what is anticipated from them in what is the evident truth; while men have a degree of distinction...” (2:228).**

As history demonstrates and as the current state of disorderly and confused relations between man and woman illustrate this fair trade-off in sexual congress between husband and wife is too decisive and should not be left up to the human experiences of trial and error, hit and miss, and ill-developed background knowledge. Insignificant human beings on earth should step forward, acknowledge their mistakes and deficiencies, turn to Allah (ﷻ), and confess their need for His direction in their interpersonal relationships — even in the closest relationship a human being can have with another: matrimony. A man needs his wife to fulfill her God-given, natural role in life as much as a woman needs her husband to fulfill his God-given, natural role in life. A woman should have no difficulties or questions about the way Allah (ﷻ) created man; and a man should have no superiority complex because of the way Allah (ﷻ) created woman.

An argument for male supremacy in the family breeds an argument for “superpower” supremacy in the world. In both cases there is no foundation or rationalization for gender power, political power, or even class or national power to exercise dominance over those of lesser power. This would be an appalling violation of the standards of justice and compassion that are at the root of scripture, revelation, and inspiration. Women are considered second class citizens in society because they are treated as second class members of

their families. In North America, Europe, Australia, and other “modern” societies it is apparently much less common than it used to be for women to be openly referred to as second class citizens. But polite silence on the issue cannot mask the reality that women continue, in general, to be given less well-paid jobs than men, and to get paid less than men even when they are doing the same job. Likewise, in these “bastions of emancipation,” although women are more active in politics than ever before, most political leaders are still men.

As “enlightened” secular Judeo-Christendom jettisoned the Old and New Testaments from the public policy domain, throwing everything religious to the wind, they are now hard-pressed to take a definitive position for or against abortion — the issue that has torn their morality apart and virtually demolished the mirror through which they are still incapable of seeing what they have done to themselves.<sup>180</sup> Approximately 50 million abortions are performed annually, of which about 20 million are “illegal” and so unsafe that nearly 80,000 women die each year as a result. Emotions on this issue run deep and the capacity of secular and laic law to “regulate” it satisfactorily is questionable to say the least. In extreme cases, opponents of abortion rights end up committing against living people the same crime — murder — they set out to prevent against the unborn.

Euro-induced secularism — which has virtually fashioned the whole world in its own image through the film industry, consumerism, commercial priorities, military bases and occupations, quisling dependent rulers, and a whole class of Islamophobes — is responsible for an overarching, international social order that humiliates women in the name of liberating them, and puffs up the egos of men who claim that with their newfound freedoms, women can be “all they can be.” With all the hype surrounding how Western women are liberated, emancipated, and independent there is no country in the world where women have a majority in the highest executive body of government. There is also no country in this secularly deceitful world in which women are a majority in parliament. In some countries the relative position of women is materi-

alistically improving, but in most countries their position is far worse than men's.

Fathers and mothers were not only intended for a physical union through marriage but also for a moral and behavioral union through family. They are the ones to exercise the good influence upon their children — the fruit of their love. For the small baby, the father is the embodiment of strength. Once accustomed to handling a baby, he holds it with a firm, proud ease that gives the child a sense of contact with a close and caring power, the kind of power that must be adored and respected, trusted and enjoyed. The father opens his heart and body for his child to explore his muscular makeup as well as his strong demeanor. The meaning of strength is transmitted to the children through their physical and emotional contact with their father. Whereas a mother's touch is composed of tenderness and care, a father who is sure of himself can play the game with a fine abandon. But this very abandon can be challenging and fearsome. A father's hands not only are larger and stronger than a mother's, they are also harder and rougher. Without losing its responsiveness to its mother's soft skin, the child must develop a capacity for trusting and enjoying a touch that is indelicate and coarse, a body that is much more responsive to the excitement of risk.

For the very young child, its mother is a refuge. With its head leaning in toward her breast, its head hidden in her lap, or its whole body screened by her skirt, the child takes refuge with its mother and feels protected from anything or anyone strange, threatening, or hateful in the world — including its father. From the child's point of view, the father represents, at times, the ominous outside world. He comes home from the outside in the evening, and in the early morning he vanishes again. By contrast, the mother is always there, or almost always. When she goes away, the child protests, cries and screams, and clings and tries to force her to stay. But the child learns to wait for the father, "When will you come?" "How long can you stay?" "When will you go away?" "Where are you going?" And finally, "Take me with you..." out to the field, or into the car, or to the playground, etc.

As the representative of the outside world, the father can also be unpredictable, startling, even frightening. The risks of playing with the father can be breathtaking, and a game played with him can turn into a game of playing with fear. The father who still keeps a sense of his child's small body can give him a sense of triumph that stands him in good stead all his life. But the father who rubs his light beard too harshly against his child's face, the father who tosses his child higher and higher, not noticing how the first screams of delight have turned into screams of pure terror, robs him of the ability to take the risks on which he would test his resolve and on which many of the tasks of joint responsibility depend.

Together with his strength and adaptability to risks, his ability to push the game to the limits of the child's strength and his own, there is the fact that the father seems so very big. When his father is away, a child forgets how tall he is, how loud his voice is, and what a boom goes through the whole house when he bursts into a roar of laughter. A father is so tall that when a small child looks up at him, what he sees is a giant. Around the world, children argue as to whose father is the tallest, the strongest, the most important of them all. While children can take their failures to their mothers, in whose care they can regain composure and strength, they depend upon their fathers to urge them on to success.

For the small boy there comes a time when he begins to almost get a sense of himself as a man, with a man's definite desires and passions. But in spite of his new consciousness, he must pause and settle down to the long years during which he will have to make his peace with the tall, strong man who tells him, "Wait, you are not grown yet! Wait, learn, practice, go to school; and someday you will be bristling with responsibilities, someday you will occupy my position, someday, many years from now, you will be a man. Don't try to act like one too soon. Wait, but be manly." So long as his son was a tiny child, the father could spend his tenderness freely in their play. Later, as his son gets older, the father learns to gradually cut back, remembering his own struggle to be patient with his angry unwillingness to give up competition with grown men and go on being a child, while waiting for full manhood.

In most parts of the world, the boy learns what men do from his father, learning with his muscles and his eyes long before he can pull on an oar, play a violin, drive a car, or draw a straight line on a drawing board. In other parts, inner cities for instance, watching a father perform some aspect of his work that is visible and dramatic is something millions of children are robbed of, except during the few precious weeks of vacation when, if they are lucky, they can see their father doing the things he does well. Elsewhere, children learn only a little from their fathers before they are sent away to learn from strangers in another city, to become apprentices, or to be enrolled in school. In still other places the child has many teachers from the beginning.

But today, as the size of the family diminishes and as more of the world's peoples live in the nuclear family unit of father, mother, and children, the father's importance as a role model for the son and as a link to the outside world for all the children is intensified. He must teach his children how to win and how to lose, how to want to grow up and how to be patient with their small sizes and lack of skill, how to grit their teeth when they would rather give up, and how to ascend the next rung on the ladder. Often there are neither uncles to share his task nor any male teachers in the classroom. Carrying a greater responsibility than fathers of times past, the modern, city-dwelling father must himself do all the things that ought to be done by men for small boys.

Whatever a father's relationship may be with his daughter, it is not quite the same as with his son. Just as a young boy soon realizes that he and his father are males, the little girl realizes very early that her father is different from herself. She can lean on her mother, knowing that one day she too will be a woman; with her father, however, she must reckon quite differently. She sees her father come in from and go out into the world beyond the home. But where, for her brother, this is a world that he will someday enter, for her it is an alien place from which invaders may come into her home. And where her brother learns from his father's strong, rough hands that he must be brave and not cry out, the little girl must learn to trust, even though she is frightened. And when she is older,



she must find out how to convey gently and subtly that his hands were not so gentle when he tossed her too high, and that she does not want him to do it again.

A father may coax out his daughter's charm, a charm that will make her irresistible to other men. Treated with a mixture of gentle roughhousing and undemanding, unthreatening solicitude, and raised with the confidence that she is cherished because she is a girl, a daughter can learn to trust herself with men and to expect that men will be strong and protective in their care for her.

In those societies in which the contrast between men and women is heavily emphasized, a father may leave his daughter with her mother and grandmother, treating her from birth as a person who lives in a different world than his, a person to whom the world of men and men's affairs is forever closed. Such a little girl must learn who she is from her mother and the other women around her. From her father she learns only that she is a stranger to him and that when she grows up she will be no less alien to other men.

There are also societies in which the father cultivates certain qualities in his children, whether girls or boys, and leaves other qualities to be cultivated by the mother. The father may deal with the outside world, teaching his sons and daughters to walk, paddle or row a boat, swim, climb mountains, read the newspapers or a map, take a journey, and meet strangers. At the same time their mother may teach them to be mannerly and quiet, orderly and careful in their tasks, and attentive to those who make demands on them. Or it may be the father who is the disciplinarian, and the mother who is indulgent with all the children. Either sex can take on any of these tasks, but however they are done the fundamentals remain. In rearing a son, the father is rearing someone who is basically like himself; in rearing a daughter, he is rearing someone who is basically different.

For most of human history the beginning of motherhood has been accompanied by danger. In the past a girl already knew, long before she herself was old enough to bear a child, of women who had died in labor and of stillborn or miscarried infants. As surely as her brother grew up knowing the dangers of manhood because he

had seen men perish in the arid desert or mauled by wild animals, and knew of men who never returned from war, she herself grew up to realize that her life of childbearing was hazardous. So clearly have some primitive peoples recognized this that they have treated as equal in bravery the woman who died in childbirth and the man who died in battle, and have seen in the rainbow's arch the blood of valiant fighters of both sexes.

The hazards of pregnancy and childbearing, like the mysteries of conception, have been a challenge to the imagination. In primitive societies, the expectant woman was enveloped in a protective cocoon of rules that defined what she must or must not eat, and what she must or must not do, say, see, or think lest the unborn child come to harm. Many things were outside of human control. Not knowing when a child would be born, the woman had no assurance that it would be born in a safe place. Wherever a people have lived on the edge of starvation and a woman's work has been essential to the life of the household, there has always been a conflict between the needs of the children already living and those of the unborn child. All over the world, wherever women must work daily in field, factory, office, or flat to earn money for their children's food, they are torn by some of the same fears that afflicted primitive women. Given neither time nor security, they know they are risking the child's life and their own, for when the child comes there may be no one who is ready to help them through the difficulties of labor and birth.

The binding between mother and child is so central to family life that no man's physical power should ever impinge upon it. The mother is still expected and asked to love her child unconditionally, and the child now, as in the past, is dependent on her unconditional love. The child who has experienced safety, warmth, and comfort in its mother's arms carries a sense of personal worth and of trust in human relationships that makes tolerable the tasks and difficulties to be faced later in life. The child, whose mother has succeeded in imparting upon it a sense of value as a unique individual, entirely for itself, without regard for the accidents of beauty, brains, or special talent, is prepared as a person to meet the chal-

lenges of living. Man has never known any other effective way to give a human being a sense of self-assurance and identity, a sense of worth in the world, and an abiding trust in human relationships. Without these family qualities, growing up is very hard, and sometimes verges on the impossible.

As more ways are proposed to substitute for the mother's single, often frail, and insufficient body, and to make more flexible the bonds between mother and child, no alternative ways to substitute for the mothering relationship have yet to be discovered. For this reason, in spite of all the changes that have been introduced by modern inventions, the model of motherhood remains what it has always been: the ineluctable relationship between the mother's body and soul and the body and soul of her child. The womb or gates of life, the child's first breath and gasping cry, the first moment at the breast, the warmth of the mother's cradling arms, the rhythms of feeding and holding, sleeping, waking, reaching out, and slipping into a quiet caress, in which mother and child are partners — all these and much more are part of mothering. And the central feature of the mother's physical care and love for a small human being, who has been and continues to be wholly dependent on her for its life and health, is her absolute acceptance of her child. Faced by a child who cannot thrive on her love, a mother is helpless. But the love and care a child evokes in its mother does not depend on whether it is beautiful or homely, plump or thin, fretful or content; as long as it lives — and, hopefully, thrives — it is hers to care for. It is this absolute, unconditional acceptance that every child needs. Lacking it, a human being never ceases to yearn for it.

During the long months of infancy, while the child's tie to the mother is a bodily one, the child learns through its own body what the world is like and what it is to be a person. As the mother feeds the child when it is hungry, the child learns that the world can be trusted to provide needed things. As the mother senses her child's sleepiness and lulls it to sleep, the child learns to piece together feeling with action, and is given the first sense of appropriateness. As the mother smiles when her child smiles, pouts when it pouts,

and smacks her lips or bursts out in response to its first playful babbling, the child learns that the world is a place in which people can reciprocate moods and meaning.

Each new learning is a new delight for the mother whose attention is focused so closely on the child that its slightest gain is evidence of its lively growth and awareness. As a mother learns to respond to the restless advances of her hungry baby, to its breaking smile or puckered frown, to its look of recognition, and to its first puzzled attempt to put sound and meaning together, she recalls her own infancy, when she could elicit the immediate responsiveness at her mother's breasts. As she was once the child who reached toward a mother who was only dimly perceived and understood, now she can be, at the same time, mother and child. For a woman, motherhood rounds the circle in which her own childhood is given back to her in all its satisfying delight.

As a little girl she learned to follow her mother's eyes as they moved over the faces of the other members of the family, watchful for the slightest shadowing of anxiety or fear, weariness or hunger. Now she experiences in full measure how her mother learned to practice this watchfulness, as she herself looks solicitously at her child, quick to catch the first shiver of cold, the first attempt to try out something new — the hand reaching out gingerly and then meeting its object with a new precision, the foot set more firmly on the floor. From this watchfulness of the baby who has not yet learned to talk, she is drawn into an awareness of the child's emerging thinking, and recognizes the abstractions that underlie a single word. As her child's mind rushes out to grasp the world around it, she moves with it over a remembered path, her imagination no longer bound by adult conventions, but performing freely in step with the child.

Later the mother must wean her child, breaking the physical bond in such a way that as the child takes a first step away from her into the world, she herself can once more become a whole and separate person. Weaning, both in the literal sense of disengaging from the breast and in the figurative sense of becoming accustomed to other than the mother's constant presence and helping hand, is

successful when it gives the child the confidence, contentment, and security to venture forth without the benefit of a safety net.

Every act of motherhood contains a dual intent: the mother holds the child close and prepares it to move away from her, she supports the child and stands it firmly on its own feet, and she guards it against danger and sends it out into the yard, down by the stream, and across the traffic-crowded highway. Unless a mother can do both — gather her child close and turn her child out toward the world — she will fail in her purpose. And often, as a mother bathes, feeds, and dresses her child, her face expresses two kinds of feeling that seem contradictory to the child and to the bystander. There is the look of unconditional devotion and blind pride in her child, and at the same time a look of anxious expectation as she holds the infant away from her breast or watches the toddler's first stumbling steps and rocking gait.

The child must go forth from the warmth and safety of its mother's care, first to take a few steps across the room, then to join playmates, and later to go to school, to work, to experience seeking the affection of a spouse and marriage, and to establish a new home. A boy must learn how different he is from his mother; he must learn that his life is turned outward to the world. A girl must learn, as she walks beside her mother, that she is both like her mother and a person in her own right. It is one of the basic complications of a mother's life that she must teach certain things to her sons and other things to her daughters.

### **Men Bear the Onus of Rectifying Failing Relationships**

All these family functions, characteristics, and qualities need to have one thing settled lest the whole family lose its balance and emotions flare up, resulting in a dysfunctional family and probably divorce. That one thing, which has to be settled outside the domain of normalizing the superiority/inferiority dichotomy, is that men have been given a position of initiative. Acknowledgment of this fact permits the following *āyah* to be precisely understood, as it outlines the character of women who honor this fact without being

necessarily subjected to the male chauvinism that belongs to certain traditions and cultures but has nothing to do with the Qur'an or Islam, **“And the righteous women are the truly devout ones, who guard the intimacy that Allah has [ordained to be] guarded.”**

A righteous woman is a wife, a mother, and a daughter who is not corrupted by the influence of a materialistic feminism. She is mature enough to identify the facts of life in light of the radiating *āyāt* from this beaming Qur'an. She knows that she is a female, that there is no discrimination between males and females according to Allah's (ﷻ) word, and that her marriage is not an institution of male monomania. For her, the rest of the attempts of women and men to raise the status of women in society are either with good intentions that lack the reference material — the Scripture — or a reaction that carries within it a resentment, a hostility, or an ignorance of the male's role and its compatibility with a commensurate human nature.

A husband and wife share an intimacy — very private feelings and personal thoughts. These result in a nine month course of childbearing by the wife. And there come times when a man has to leave home either for the sake of his family or for the defense of his faith, commitment, and ideology. The period of absence requires a wife to be faithful and trustworthy to the emotions and feelings she has toward her husband and to a fetus that is growing in the absence of its father. To others, she should not dispense a word or a smile of enticement — which she would not do in the presence of her husband. This is not expected of a wife as an expression of loyalty to her husband; rather it is expected of her because it is the command of Allah (ﷻ), **“...[she] guards the romance and intimacy that Allah has [ordained to be] guarded.”** Even if the husband's disposition was “liberal” and he was not prone to paying attention to what his wife may have done in his absence, and even if the norms of society were such that they would accommodate a wife's “cheating on her husband,” her act would not be acceptable because what count are the standards and values of Allah (ﷻ). And He is the one who has ordained that the romance relationship and matrimonial bond be honored in the absence of the husband.

This character is an integral quality of *muttaqī* and clean-living wives: it comes to them naturally.

Women who do not live up to this standard are called *nāshizāt*. Their “breakaway” attitude stands out because they are tendentious, eccentric, and jagged. Wives or women who display this emotional and physical incompatibility should be counseled and treated before the problem gets out of control. If the fidelity between husband and wife and between parents and children is breached or shows signs of being breached the remedy should be forthcoming and instantaneous before the whole family structure is threatened, nucleus as well as extended. A breach of matrimonial faith may lead to family tension, disorientation of the children, a toxic atmosphere, nervous breakdowns, and other irregularities.

At the first signs of matrimonial dysfunction all steps and procedures should be applied to avoid its harmful consequences. It is for these reasons that the man — who is responsible for initiating action — should seek to solve this problem, and in this regard he is given a maintenance regimen. However, when a man is instructed to take these measures he does so without any abuse of power and without demeaning behavior. His heart and feelings should not carry any traces of revenge; he should not act in a way that humiliates his wife; and he should never use the level of force that would hurt his wife. All that is required is a sincere sense of doing what has to be done in good faith and with a courteous character at the first signs of a deceptive and unreliable wife. These are Allah's (ﷻ) words,

**Men shall take full care of women with the bounties that Allah has bestowed more abundantly on the former than on the latter, and with what they may spend out of their possessions. And the righteous women are the truly devout ones, who guard the intimacy that Allah has [ordained to be] guaranteed. And as for those women whose sexual immorality you have reason to fear, admonish them [first]; then abandon them in bed; then jolt them; and if thereupon they pay you**

heed, do not seek to traumatize them. Behold, Allah is indeed Most High, Great!

And if you have reason to fear that a breach might occur between a [married] couple, appoint an arbiter from among his people and an arbiter from among her people; if they both want to set things aright, Allah may bring about their reconciliation. Behold, Allah is indeed All-Knowing, Aware (4:34–35).

Before proceeding to put this into context, that the individual merit and honor of women are God-given in this open Book ought to be conspicuously highlighted. Her rights are on par with a man's rights, her humanity is equal to her husband's, and her civic status cannot be violated. And even though a man has been assigned the "catalytic" role, a woman still chooses her husband as a function of her will, her freedom of choice, and her own preference. Her wealth and possessions are hers and no one — even her husband — has any right or access to them. They are hers in a sacrosanct way. These perimeters are well stated throughout this Book of fairness and equality. With all of this compounded to the central role she plays in family life, part of which has been described above, the remedial or curative procedures that are well-defined in this *āyah*, to prevent the family anchor from being uprooted, can be better appreciated.

Wives who are congenial and harmonious with their husbands are designated as *ṣālihāt* (commendable and meritable) in the *āyah* above, **"And the affirmable and creditable are the truly obliging ones, who guard the closeness and lovingness that Allah has [ordained to be] guarded."** Their relationship with their husbands is honored and safe from emotional violation or passionate attachments to other men beside their husbands. The contrasting feminine attitude, described by the Qur'anic word *nāshizāt* (dodgy, devious, and dishonest women), if "tolerated," "overlooked," or "ignored" will result in a rupture of the marital bond and a compromise of its rights and responsibilities. And when that appears to be happening the husband has to follow a specific, divinely revealed



course of action with his wife. Four steps to salvage the marriage and to reaffirm matrimonial attachment are recommended in the *āyah*.

Firstly, kind words of advice and a hospitable one-on-one counseling are anticipated to have an effect on the wife's complex mental orientation involving the beliefs, feelings, values, and dispositions that made her accommodate or think about accommodating another person in the privacy of her innermost feelings. The husband may want to advise her to have the *taqwā* of Allah (ﷻ) in her heart and to remember that he too has his rights, integrity, and sexual morality to safeguard. He should entreat her to earnestly reconsider her emotional distance from him, reminding her that they are both supposed to be compatible with each other and that they should fit closely with one another, and no one else. The wife should be prompted to honor the moral standards set by Allah (ﷻ) and the commitments she made in the marriage contract. She should understand that her breach of the matrimonial sacrament will incur Allah's (ﷻ) anger, and to avoid His punishment, she should continue to honor her obligations of trust with her soul mate. Thus, the first curative measure is for a husband to verbally convince his wife to give new consideration to the devotion deficit in her relationship with her husband. When words of guidance and direction fail to register better judgment on his wife's part, a husband is required to move his initiative to the level of psychological one-upmanship so as to rise above her feminine beauty, her captivating attraction, and her obvious aberration.

Thus, secondly, he is required to desert her in the bedroom, meaning that for a short time, he should quit sexual intimacy with his wife. He may choose to sleep in another bed, and further, he may also follow that up by minimizing verbal communication with his wife, but he is not allowed to exceed a period of three days while not speaking to his wife. This "communication breakdown" will, in some cases, put pressure on the wife to reassess her behavior, how much it has injured her husband, and the serious interruption or potential severance of relations that is in the making.

When a husband forsakes his wife in bed, his desertion is strictly a bedroom affair. The children, if there are children in the family,

should know nothing of the alienation between mother and father. They should not even feel that there is a “chill,” because if they know, then the problem between husband and wife will become a complication for many other immediate family members. And this does not solve any problem; if anything it exacerbates an already serious state of affairs. This abandonment also cannot be made palpable to members outside the family, because such a disposition could be potentially mortifying and vexing to the wife, perhaps even resulting in a rebound effect in which the wife will begin to react to her husband’s behavior by reinforcing her own errant behavior. So, even though a man is guided to take certain steps to try to put his relationship with his wife back on track, he can only do so with the care and sensitivity that will mitigate further problems and attenuate the stiffness that already exists in his relationship with his wife. If things return to normal during these first two steps, then all is fine. But if the wife shows no signs of catching herself and changing her mind then the husband is required to escalate his corrective action.

Thirdly, the husband should *jolt* his wife. Most, if not all, interpreters of the meaning of this portion of the *āyah* say that a husband is allowed to hit or strike his wife. However, they hasten to add that the husband has no right whatsoever to inflict any physical injury. She may not be hurt, bruised, or lacerated; thus the corporal nature of the remedial punishment should be so superficial as to leave no physical marks. Some interpreters say that the husband should lightly and softly strike her on the shoulder three times, or that he may use an innocuous and benign instrument in striking her such as a toothbrush or fragile twig. The reason for this procedure is not to hurt the wife as much as it is to remedy a consequentially destructive condition in the family. Honestly speaking, it is not in the character of a Muslim husband to hit his wife or children except when all other approaches fail and when he does so it harms him psychologically more than it harms them physically. While it is well known that cultural Muslim males and traditional individuals use this *āyah* to rationalize criminal conduct against women, it would behoove us to recognize that the perfect implementation of Qur’anic guidance was represented by Allah’s Prophet (ﷺ), who was never known to

have hit or beaten his wives or children. Two narrations of what he said at Mount 'Arafāt in his Farewell Khuṭbah are given below,

*And thus, O people! Indeed your womenfolk have rights over you; and you have rights over them. Your [referring to men] right over them [referring to women] is that they shall not be unfaithful [have sexual intercourse with other men] to you, and they shall not permit anyone to enter your homes without your permission, and they shall not commit any openly indecent acts; but if they did, then Allah has permitted you to constrain them, and to leave them alone in bed, and to nudge them without hurting them; and if they desist and comply with you, then you are responsible for their livelihoods and their wardrobes within reason. And counsel each other [referring to men] pertaining to the well-being of women, for when they are in your care, they need your reinforcement [to be concerned about their welfare] for they are vulnerable; and you have taken them [in marriage] in accordance with Allah's trust, and it was by Allah's word that you are intimate with them [meaning sexual intercourse]. Therefore, be conscious of Allah's authority and power when it comes to women. And counsel each other [referring to men] pertaining to their well-being — have I not conveyed [the message]; O Allah, bear witness.<sup>181</sup>*

*Be on guard of Allah when it comes to women. You have taken them [into your lives] with Allah's trust. You have entered into them with Allah's word. They owe it to you not to have anyone you dislike approaching your bedchamber. If they do [incline to having others gain access to it] then nudge them without causing them pain. They have their rights that [require you to] provide for their sustenance, clothing, and livelihood in a goodly manner.<sup>182</sup>*

In reference to this “nudging” it is described as non-painful and may be administered by a *siwāk* (a twig from the *Salvadora persica* tree — known as *'araq* (plural: *'urūq*) in Arabic and *peelu* in Urdu — used

to clean and disinfect the teeth).<sup>183</sup> Qatādaḥ defined it less by the use of any instrument but by the consideration that it should not create “a scene.”<sup>184</sup>

A husband may not strike his wife more than once in one place. He is not permitted to slap her, as the face is a person’s dignity zone and no one may violate another by striking him or her in the face. Furthermore, a husband may not use a whip or a cane. He is required to be sensitive and gentle. Once again, what is intended is a corrective and remedial procedure and not humiliation or trauma. If a husband inflicts injury on his wife he is to be held responsible in a court of law and has to compensate for his abuse of power. There are some men who beat, hurt, abuse, and humiliate their wives. But for this excessive interpretation of license leading to indecent and wrong conduct, they have no basis, no grounds, no justification, and no rationalization in Allah’s (ﷻ) words or the behavior of His Prophet (ﷺ).

When parents strike their children in order to discipline them, society generally “approves” of this license either because this has been a historical reality that most are used to from their own experience or because the children are not considered “equal” to their parents. However, like people of other ages, children are people too — with their own personalities and with their own inalienable human rights. And as with other adults, the human rights of children cannot be violated — even by their parents — by inflicting them with pain through punishment, by psychologically ruining them with sadistic violence, by demeaning them with obscene behavior, by seeking revenge against them, and by using their innocence against them. Children do not have the power to look out for themselves, and thus for the most part it is accepted that they need to be part of a protective family unit, at least until they mature to get a sense of the power they have to watch out for larger issues of social justice. And thus when it comes to a parent’s corrective action with his or her children in the form of (light, but not abusive) physical force, be it mother with son or father with daughter, societal laws generally do not interfere with a parent’s “right” to administer such discipline.

Similarly, as with the power disparity between parents and their children, a man's physical robustness and financial wherewithal does not give him the license to violate a woman's natural rights. And any kind of a beating that inflicts pain, humiliation, and degradation is a violation of those rights. However, because human nature has been created in such a way as to put him in the initiative position to start a family, and to manage the stability of his family, he has been given the "right" to immunize the family against the effects of grave misbehavior by resorting to a divinely sanctioned procedure that does not demean the self-same human nature of any other family member. And thus for those who go forward with permitting the husband to "hit" his wife in this context, they should recognize that this "hitting" is no more than a jolt or a nudge that neither inflicts pain and humiliation nor contains within it a hint of vengeance.

Continuing with this context, some may ask why a wife, who is the co-equal of her spouse, has not been given the permission to hit, jolt, or nudge her husband. First of all, to reiterate the point made earlier, the dual and complementary human nature of male and female as created by Allah (ﷻ) has not placed her in the initiative or catalytic position in the family. Second, it may be asked in return, why is it absurd to imagine children striking their parents when mother and father misbehave? The answer is simple — and it has to do with power. Children have little power over their parents, and simply by hitting them, the children will not be able to have a curative impact on their elders' bad behavior. Similarly, a wife in most cases has very little, if no, physical power over her husband, and by hitting him, she cannot hope to affect his behavior in any way.

This Qur'an came to solve humanity's problems, not to have people harbor impossible platitudes. And one of the biggest problems it solves is to show man how to discipline the exercise of power. Without the benefit of this divine lifeboat — the Qur'an — those who have power are likely to abuse it. And thus a society that allocates parents the power to abuse their children and husbands the power to abuse their wives probably also looks the other way when corporate management structures use their power to abuse

their employees and governments use their power to abuse their citizens. At the same time, the example of Allah's Messenger (ﷺ) shows us that power is necessary to accomplish important strategic objectives, at home as well as on the war front. Power is meant to be distributed in the way rain gives life to pasture, not to be concentrated in the way pesticides deprive the earth of nutrients. Thus men are taught to restrain the physical application of force, only using it when there is no other alternative, and women are counseled to contain the emotional application of force, resorting to it when life itself is threatened.

There is not enough information about a "typical" feminine profile or a "normal" masculine profile. Human nature sometimes acts in funny ways. But were it not for this valid Qur'an that tells human beings how to behave with each other, they would not be able to accommodate their idiosyncratic quirks, especially when they run into such human and sometimes "spontaneous" problems. Who can say with certainty that there is not a component in human nature peculiar to women that heralds female to male compatibility with a challenge to masculinity and manhood — a challenge that their men respond to with manly qualities and manlike preponderance, that is, a show of muscles, but not the use of muscles. This is not to imply that all women display this characteristic; it simply suggests that there may be a category of women who find it arousing when a man asserts his masculinity or virility by "taking command." To some women that may seem very "sexy." And when a man displays this third step he actually is jolting, not coercing, her back into her normal relationship of love and attachment.

With all that being said there is a strong position, supported by wide scholarly agreement, that it is better not to strike the wife at all. Umm Kulthūm, Abū Bakr's daughter, said, "Men were advised not to hit their wives. And when the issue was brought to the Prophet's (ﷺ) attention he countenanced it with the qualification that honorable men do not strike [their wives]."<sup>185</sup> This would indicate that the preference is to avoid such license. The words of Allah (ﷻ) say as much, "**...marriage must either be resumed in fairness or dissolved in a goodly manner**" (2:229). There is another quote

in hadith literature, *“How can you strike your wife as you would strike a captive and then at the end of the day copulate with her?”*<sup>186</sup>

If throughout this extended process a wife is able to find her way back to fidelity with her commitments, then so much the better. Nothing else should be done at this point as both husband and wife would have reconciled their hearts with each other. All that is intended in this *āyah* is to persuade the wife to return to her emotional nest and secluded integration with her extended self — her husband. And to cap this difficult course of action Allah (ﷻ) reminds everyone that He is above all this, that He is not taking sides, and that He is accommodating of human relations and human nature as it is He who has given people the information necessary to limit the damage that comes from marital infractions of this type, **“Behold, Allah is indeed Most High, Great!”**

In the above procedure — steps 1, 2, and 3 — a scholarly question has arisen: are these steps to be followed in the order they are mentioned? Some say that the linkage between one step and the others is not a sequential one; therefore, the three steps may be applied in any order. Others differ with this view, suggesting that because these steps are cited in a particular order they become binding in such a succession. This writer’s view is that in most cases the steps are applicable in the order given in the *āyah*, but there may be cultural variables and individual female characteristics that may merit a change in these procedural steps. But ultimately Allah (ﷻ) knows best.

Fourthly, and lastly, after deploying the first three steps mentioned above, when nothing seems to be working and the marital bond is in danger of breaking apart, at this time Allah (ﷻ) places the possibility of a potential divorce in the larger context of family, relatives, and kin of both husband and wife. When the situation gets out of hand and beyond the capacity of the spouses to manage it, then the couple is counseled to solicit outside help, that is, from two arbiters: one from the wife’s side of the family and the other from the husband’s side. After collecting the pertinent information from both husband and wife these “agents,” who have been appointed to represent each of their respective sides, are expected

to deliberate over the divisive issues in a logical and dispassionate manner. They should try their best to sort out the underlying reasons for the spouses' stiffened positions. And if these two "brokers" are sincere and work hard enough at it they may be able with Allah's (ﷻ) help to make a breakthrough and reconcile the estranged husband and wife. It is Allah (ﷻ) whose knowledge of these affairs is independent, infinite, and implicit.

In theory, the arbiters may be any two qualified individuals. But the reason Allah (ﷻ) specified their being kinfolk may be that these family issues are generally accompanied by private and "very sensitive" details. And it makes no sense to allow this type of information to seep outside the family circle of both wife and husband, and thereby become a subject of gossip among the weak-minded in the community. Besides, an anomalous "leak" of this type could damage a person's reputation and self-esteem. Family and relatives are more likely to give the arbitration more of their time and effort because in the final analysis they are themselves to some extent involved in this issue.

Some human intellectual input into the meanings of this *āyah* raises the arbiters, or objective negotiators on behalf of the husband and wife, from being umpires, in a sense, to being judges. And accordingly, their judgments are binding on both husband and wife.<sup>187</sup> Other *fiqhī* opinions state that whatever these arbiters agree upon is then presented to the spouses who themselves would have to accept or decline their judgment. Other Islamic legal opinions indicate that the arbiters' judgment should be presented to a magistrate who would then rule on divorce proceedings or otherwise.

During these amelioratory procedures at no time is this a "battle" or a "settling of scores" against the wife. A husband, with the license that he has been given, initiates corrective action with a heart that is located in this Qur'an and not entrapped by his ego. Thus his wife's self-control and equanimity, which would otherwise be compromised if he was to act in an unbecoming way, remains in tact. A husband and a wife function in the larger atmosphere of the family. And family priorities ought to be their major concern. But the way human psychologies work sometimes is that for some reason



pertaining to an infatuation she may have with another man, or because she may develop a feeling that her beauty is superior to her husband's, or because someone else will be able to offer her a better life with more money and luxuries, or because she "knows" she will "make it" with a person of status who belongs to the elite, or for any one of a variety of reasons, a given wife will, at times, be enticed to despoil her sincere love for her husband. Such fantasies could lead her to "wiggle out" of her good fellowship and her capability of existing in harmonious and congenial combination with her husband.

### The Qur'an Honors Women in the Same Way it Honors Men

**And as for those women [wives] whose protuberant behavior [*nushūzahunna*] you have reason to fear, reprove them [first]; then desert them in bed; then jolt them; and if thereupon they pay you heed, do not seek to harm them. Behold, Allah is certainly Most High, Great! (4:34).**

It is this *āyah* that has caused so many attacks on Islam as being a religion that oppresses women by giving men the right to beat their wives and that sanctions violence in the family. The *āyah* simply states the fact that men have an initiative position regarding their wives. That is it. It does not agitate for men becoming torturers of their wives and feeling religious about it. Nor does it negate a woman altogether, rendering her the slave of her husband as a matter of faith. At the same time, it does not blur the line between a feminine wife and a masculine husband.

A person by the name of Mu'āwiyah ibn Ḥaydah al-Qushayri came to the Prophet (ﷺ) and asked, "O Messenger of Allah! What right does a wife have over us [the husbands]?" He replied, "*To feed her as you feed yourself, to cloth her as you cloth yourself. [And if discipline is the issue] you avoid her face, [and] do not use foul language. If you abandon her it is only in the bedroom [sexual intercourse].*"<sup>188</sup> The Prophet (ﷺ) is also reported to have said speaking to men,

“Do not hit the gentle servants of Allah [meaning women].” Then ‘Umar ibn al-Khaṭṭāb came to the Prophet (ﷺ) and complained of a type of mutiny by wives against their husbands. At this point, the Prophet (ﷺ) tolerated men disciplining their wives by impinging on them [or nudging them]. Following this, a procession of women gathered around the Prophet’s (ﷺ) household complaining about their husbands’ behavior. So the Prophet (ﷺ) finally said, “Many women circled the household of Muhammad complaining about their husbands. Those [husbands] are not your noblemen.”<sup>189</sup>

He also said, “The best of you is the best to his wife and family, and I am the best to my wife and family.”<sup>190</sup>

These incidents at the dawn of Islamic history in the time of Allah’s final Prophet (ﷺ) reveal the influences of materialistic and power-centric societies. People during the time of the Prophet (ﷺ) had to be gradually weaned away from their cultural and traditional character. That took time; but eventually the Islamic generations that followed were rooted deeply in a sense of equality for both sexes and equal treatment between husband and wife. So long as Islamic standards are not violated by cultural residuals or economic interests these standards exemplify the coextensive relationship that binds in perpetuity the two complementary halves of the human soul: wife and husband.

The word *fa-iḍribūhunna* in *āyah* 4:34 has an alternative meaning, which is not normally associated with the mainstream understanding of the word. To explain how this meaning can be extracted, the word will have to be linguistically deconstructed down to its root level and then reconstructed to carry another, perhaps more pertinent, interpretation that still lies within the range of derivatives from the original root.

The Arabic language has a derivative system that organizes and determines how other words can be extracted from a root word. In this instance, the root word is the past-tense verb *ḍaraba*. The most common, general, and denotative meaning of the word is to

*hit, to strike, or to poke.* But given that many other words can be derived from the root *ḍaraba*, its nucleus meaning lends itself to a wide range of connotations. For instance, it can also be used as a phrase word: in the Arabic language the phrase *ḍaraba fī al-arḍ* means *he goes out to make a living*; the phrase *ḍaraba allāhu mathalan*, meaning *Allah has coined a similitude*, occurs in the Qur'an; and the phrase *ḍaraba 'anhu* means *he averted him*. Continuing in this direction, other verbs can be extracted from *ḍaraba*, such as *idṭaraba*: the phrase *yaḍṭaribu al-mawj* refers to *waves colliding or moving wildly*, the word *idṭirāb* means *incoherent movement*, and *an issue out of balance* is referred to as *amr muḍṭarib*. And there are still more derivatives of the same root: in financial circles the word *muḍārabaḥ* refers to loaning someone money, and *ḍarb* in some context may mean *a sort*. Suffice it to say that an undiversified explanation of the meaning of *ḍaraba* and its derivatives is simplistic, uninformed, and misleading. This explains to some extent why some people have misconstrued the all-encompassing meaning of this *āyah*.

One of the nouns that can be derived from the verb *ḍaraba* is *ḍirāb*, a word mostly used to describe copulating animals. In Arabic, no one ever refers to the act of two animals mating as a marriage or *nikāḥ*; the word *nikāḥ* only applies to the union of a husband and wife in matrimony and wedlock. This *āyah* alludes to a damaged husband and wife relationship in which the sexual intimacy that comes with *nikāḥ* is no longer there. Each spouse is at an emotional distance from the other, and frigidity has set in between them. So, if they were to be instructed to rejoin in what used to be the intimacy, the affection, and the passion of love, they would be told to have a *ḍirāb* and not a *nikāḥ*. Therefore, the wording of the *āyah* takes into consideration the reticence and remoteness that now characterizes the relationship between an unromantic husband and a frigid wife. Corresponding to this fact, it could be said that the word *fa-idribūhunna* replaced the word *fa-inkihūhunna*.

This gives a new meaning to the required behavior that should be initiated by a husband toward a wife that is disposed to keeping an emotional distance from him. Still, however, there is no contradiction between the two understood meanings of the word

*fa-idribūhunna*. Human nature is complex, and the range of meanings encompassed by the word is fine-tuned by a delicate understanding of Allah's (ﷻ) choice of wording and instruction as they relate to our ambivalent feelings toward each other. Sexual intimacy climaxed by intercourse is normally the repository of the innermost, the most delicate, the most intense, and the most unfathomable emotions of love and passion that flow between a caring husband and an affectionate wife — the spark, as it were, that has the potential to heal all hurts and overcome all difficulties. Understanding *fa-idribūhunna* to mean that a man should initiate a dispassionate intercourse would suggest that the couple can test whether or not the sexual encounter — with all that it entails — can rekindle that spark, and thereby see whether or not they can make it with each other going forward.

What remains to be understood in juxtaposition to the husband's *quwāmah* (initiative position) is the wife's *nushūz*. Literally speaking the word *nushūz* means *pomposity* and *overbearing pride*; applied in the *shar'ī* sense, the word refers to a wife's unlawful emotional desertion of her husband. When this becomes a wife's attitude, she begins to scorn or look down on her husband, causing her to withdraw from her emotional attachment to him. And ultimately, this may progress to her denying her husband his most intimate desire — sexual fulfillment. The husband may brave times of psychological isolation because of this. In some men this may begin to generate feelings of retaliation.

Another breach of the psychological confidence and the emotional trust between husband and wife takes place when the wife permits a stranger into their home — a stranger she knows her husband dislikes. Should such incidents multiply on a regular basis, these could be viewed as obvious acts of contempt for the husband. While this may not amount to physically placing a third party in the warmth and tenderness of hearth and home, it may be interpreted by the husband as a wife providing space for a psychological intruder into their relationship.

In order to remedy any *nushūz* that might be taking place, it must be reiterated that a man's *quwāmah* does not give him an open

ended permit to strike, hit, and beat his wife. Some of this untoward behavior is justified by hadiths that are largely discordant with the Qur'an. One such hadith is from al-Shaybānī's book, *Taysīr al-Wuṣūl ilá Jāmi' al-Uṣūl min Ḥadīth al-Rasūl*, Volume 3, in which 'Umar ibn al-Khaṭṭāb is reported to have relayed the following quote from the Prophet (ﷺ), "A man is not to be asked: for what reason did you hit your wife?"<sup>191</sup> This is a prime example of how a purported hadith stands in stark contradiction to the meaning, intent, and purpose of Allah's (ﷻ) words in the Qur'an. Whatever erroneous implications that may be derived from this assumed hadith are also contrary to other hadiths. A man cannot administer corporal punishment to his wife without compunction. This amounts to a type of aggression, and a man cannot aggress against his wife, or for that matter anyone else, without just cause. This type of rancorous behavior is unacceptable by the standards of scripture, logic, and justice. But in the body of hadiths there are some that are incompatible with the Qur'an and other well-established quotations of Allah's Prophet (ﷺ).

The hadith quoted above says in effect that a husband is completely unaccountable for his actions. Is this not placing such a husband above the law? How can people, who want to justify this kind of license to beat without any qualms of conscience, selectively forget other *āyāt* in the Qur'an and well-known hadiths such as,

**And so, he who shall have done an atom's weight of good, shall behold it; and he who shall have done an atom's weight of evil, shall behold it (99:7–8).**

**...and befitting to them [the women] is in proportion to what is required of them... (2:228).**

**...either retain them [the wives] in a fair manner or let them go in a fair manner... (2:231).**

*I counsel you to be copious [and considerate] to women, they are your dependents...*<sup>192</sup>

Are those who make a secure commitment to Allah (ﷻ) expected to violate this *āyah* and exempt the husband from accountability just because of a historical culture that demeans women? Can a husband hit his wife just because he feels like it? Can a husband hit his wife because he needs to satisfy a sadistic urge? Can a husband hit his wife simply because “he wants to take it out on her?” All such interpretations are ridiculous, unreasonable, insane, and not in keeping with any guidance or mercy that comes from Allah (ﷻ).

This whole lesson in a sense is meant to try to head off and refrain from the worst permissible license Allah (ﷻ) has given man: divorce. In present society there is a tendency to see divorce both as a source of individual unhappiness and as an index or cause of wider social disorder. However divorce might be evaluated, few people in conducting these debates have any doubts as to the meaning of the term. To be divorced represents a clear legal status, the outcome of which is usually accompanied by clearly defined practices such as the establishment of separate households and agreements over the division of property and the maintenance of, custody over, or access to any children. Divorce is frequently equated with marital breakdown although it is clear that the two need not be the same.

In summarizing what can be deduced from *āyāt* 4:34–35, the six points below have been established:

1. Even though this fact — the *quwāmah* of men over women — has been misunderstood, misinterpreted, and still continues to be misrepresented, men are in a position of initiative, of taking the first step when compared to women. But this does not suggest men are automatically, genetically, or sexually paramount to women.
2. If a man fails to live up to his role as the person who is responsible for the physical safety and financial security of the family, the wife has the right to dissolve the marriage. Marriage is sustained in an important way, among other things, by the man (the husband) living up to his masculine “first step” and financially supporting his family, **“Men are in an initiative**

position vis-à-vis women: that is because of what Allah has given them in excess and due to what they spend of their wealth [to fund their families]...” However, if he is encountering temporary difficulties in providing for his family, then this does not qualify as a basis for a wife to choose divorce as a remedy, **“And if he is in hard times then the provision is for better times...”** (2:280).

3. A husband may duly expect his wife to protect their mutual love trust in his absence, **“And the virtuous women are the truly devout ones, who guard the intimacy Allah has [ordained to be] guarded.”** She is expected to comply to him within the domain of their joint obedience to Allah (ﷻ), and as such, she is entrusted with his possessions, her feelings, and a fetus who may be in her womb.
4. The husband is duty bound to provide all necessities and amenities to his wife on par with what he provides for himself.
5. There is a process the two spouses are required to follow in order to prevail over their incompatibilities: advice, bedroom abandonment, and a husband to wife jolt. And if none of that works they are to refer the matter to two arbiters who will try to impartially settle the whole affair.
6. Once a wife reconciles her emotions with her husband’s and her behavior blends back into compatibility with him, the husband no longer has the right to take any action against her. Circumstances like these tend to generate an attitude of revenge; and the *āyah* clearly prohibits such conduct.

The equality and equal treatment of both men and women is a theme that runs throughout the Qur’an. No Muslim — male or female — who fuses into the spirit of the Qur’an can reconcile himself or herself with the macho image of a male dictator in the family. Impossible. Some pertinent *āyāt* underscore the equality of men and women in their own gender roles, in their family postures, and in their social positions. The biological parity of male and female are established in the *āyah*,

[He] created you [male and female] from one bio-entity; and from it He created its mate and from both of them He dispersed many men and women... (4:1).

The words of heaven in the Qur'an establish man's and woman's equal share of responsibility, for example, with regard to the "original sin" in paradise, both man and woman — Adam *and* Eve (ﷺ) — are equally admonished,

Thereupon Satan whispered to the two [Adam and Eve] with a view to making them conscious of their nakedness, of which [hitherto] they had been unaware; and he said, "Your Sustainer has but forbidden you this tree lest you two become [as] angels, or lest you live forever." And he swore to them, "Verily, I am of those who wish you well indeed!"

And thus he led them on with deluding thoughts. But as soon as the two had tasted [the fruit] of the tree, they became conscious of their nakedness; and they began to cover themselves with pieced-together leaves from the garden. And their Sustainer called out to them, "Did I not forbid that tree to you and tell you [that], verily, Satan is your open foe?" The two replied, "O our Sustainer! We have sinned against ourselves, and unless You grant us forgiveness and bestow Your mercy upon us, we shall most certainly be lost!" (7:20–23).

In other *āyāt* Allah (ﷻ) makes it known that their human responsibility is on the same level,

Whoever does what is good and right — whether male or female — as long as there is commitment to Allah, will live a favorable life... (16:97).

Whoever does wrong shall not be compensated except by its equivalent, and whoever does what is right and



good whether male or female — in a state of commitment to Allah — they are the ones who will enter paradise with an infinite providence (40:40).

The nonpartisan words of the Qur'an have enshrined the equal responsibility of men and women in implementing Allah's (ﷻ) instructions and in carrying out His orders,

**A committed Muslim man and a committed Muslim woman have no choice [but to obey] when Allah and His Apostle determine something... (33:36).**

Once both return to Allah (ﷻ), Muslim men and women may look forward to equal rewards for the same actions done on earth,

**Verily, for all men and women who have acquiesced to Allah, and all committed men and committed women, and all truly devout men and truly devout women, and all men and women who are true to their word, and all men and women who are patient in adversity, and all men and women who humble themselves [before Allah], and all men and women who give in charity, and all self-denying men and self-denying women, and all men and women who are mindful of their chastity, and all men and women who remember Allah unceasingly: for [all of] them has Allah readied forgiveness of sins and a mighty reward (33:35).**

This Book of equality has also placed men and women on comparable political grounds,

**Committed Muslim men and committed Muslim women are allies of each other; they work on constructing the self-evident good and they work on deconstructing the self-evident wrong... (9:71).**

The Qur'an has given men and women the same right of ownership and acquisition. They both are entitled to the fruits of their own labor and legitimate means of possession,

**Men have a share of what they have gained and women have a share of what they have gained... (4:32).**

Men and women also have the right to inherit their family's surpluses at the time of death; the shares though are allocated in accordance with their respective financial responsibilities, almost all of which are assigned to men,

**Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much — a share ordained [by Allah] (4:7).**

Furthermore, the Qur'an equally requires both men and women to mutually safeguard each other's reputation and social status. Neither men, nor women may assassinate another's character or back-bite each other,

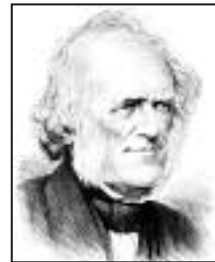
**O you who are committed to Allah! No men shall deride [other] men: it may well be that those [whom they deride] are better than themselves; and no women [shall deride other] women: it may well be that those [whom they deride] are better than themselves. And neither shall you defame one another, nor insult one another by [opprobrious] epithets; evil is all imputation of iniquity after [one has attained to] commitment; and they who [become guilty thereof and] do not repent, it is they, they who are evildoers! (49:11).**

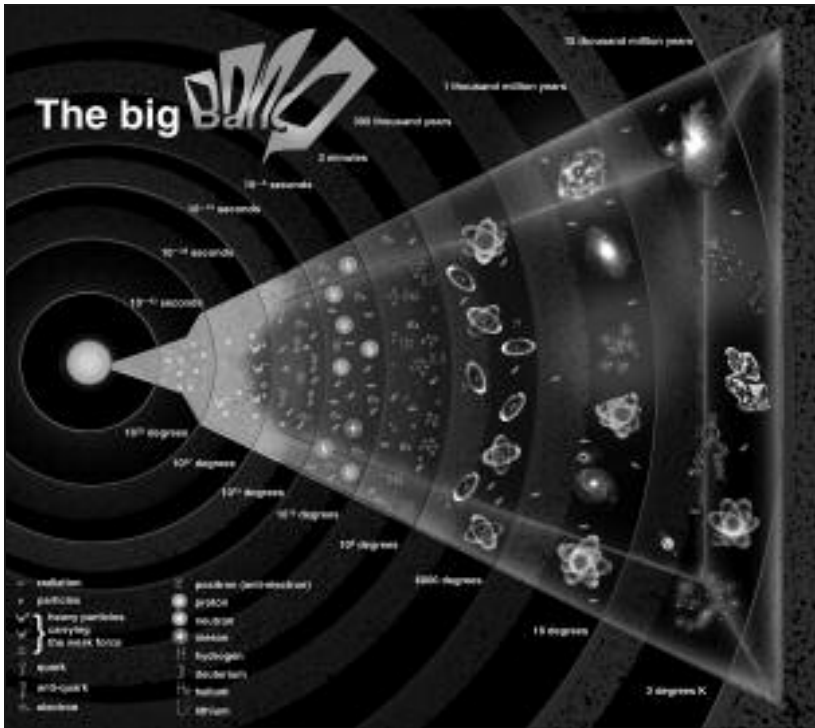
After reading all these *āyāt* and many more in this fair Qur'an how can anyone have the audacity to say that Islam sanctions male bigotry or considers men to be superior and women to be inferior?

These types of accusations can only come from individuals who have an ax to grind against the Qur'an, the Prophet (ﷺ), and Islam.

## Endnotes

- 1 Dr. Wahbah al-Zuhayli, *Al-Tafsir al-Munir fi al-'Aqidah wa-al-Shari'ah wa-al-Manhaj*, Volume 4. (Beirut, Lebanon: Dar al-Fikr al-Mu'asher, 1411AH), p. 219 (originally narrated by 'Abd al-Rahman ibn 'Abdillah ibn Mas'ud and recorded by al-Hakim in his *Mustadrak*; also recorded by al-Tabari, but with different wording).
- 2 **ḥādithaḥ al-ifk (the incident of the slander)** – the incident in which Umm al-Mu'minin 'Ā'ishah was accused of adultery by the *munāfiqs* in Madinah, and later vindicated by a revelation contained in the Qur'an. The incident, which has been recorded in all the books of hadith, has been examined and explained by a great number of Islamic scholars and teachers. Most of the accounts of this incident suggest that it occurred after the Battle of al-Aḥzāb in 5AH or 6AH in the aftermath of Ghazwaḥ Banī al-Muṣṭaliq. However, at least one account suggests it may have happened in 4AH. This writer will deal with the incident in greater detail when he reaches the *tafsir* of *Sūrah al-Nūr*.
- 3 **Big Bang** – in astronomy, it refers to the hypothetical “explosive” event that marked the origin of the universe as we know it. At the time of the Big Bang, the entire universe is said to have been squeezed into a hot, superdense state. The Big Bang explosion threw this compacted material outward, producing the expanding universe. Scientists admit that the cause of the Big Bang is unknown. Observations of the current rate of expansion of the universe suggest that the Big Bang took place approximately 10–20 billion years ago. The Big Bang theory initiated modern *cosmology*, the science of the origin and development of the universe (see the graphic on the next page).
- 4 **Charles Lyell** (1797–1875) – Scottish geologist; in his *Principles of Geology* (1830–1833), he opposed the French anatomist Georges Cuvier's theory that the features of the earth were formed by a series of catastrophes, and expounded the Scottish geologist James Hutton's view, known as *uniformitarianism*, that past events were brought about by the same processes that occur today — a view that influenced Charles Darwin's theory of evolution. Lyell trained and practiced as a lawyer, but retired from the law in 1827 and devoted himself full-time to geology and writing. He implied that the earth was much older than the



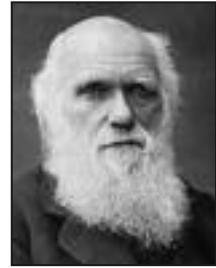


6,000 years of prevalent contemporary theory, and provided the first detailed description of the Tertiary period, dividing it into the Eocene, Miocene, and older and younger Pliocene periods. Although it was only in old age when he accepted that species had changed through evolution, he nevertheless provided Darwin with a geological framework within which evolutionary theories could be placed. Darwin simply applied Lyell's geological method — explaining the past through what is observable in the present — to biology.

**Jean Baptiste de Lamarck** (1744–1829) – French naturalist whose theory of evolution, known as *Lamarckism*, was based on the idea that acquired characteristics (changes acquired in an individual's lifetime) are inherited, and that organisms have an intrinsic urge to evolve into better-adapted forms. His works include *Philosophie Zoologique* (*Zoological Philosophy*, 1809) and *Histoire naturelle des animaux sans vertèbres* (*Natural History of Invertebrate Animals*, 1815–1822).



**Charles Robert Darwin** (1809–1882) – English scientist who developed the modern theory of evolution and proposed, with Alfred Russel Wallace, the principle of natural selection. After research in South America and the Galapagos Islands as a naturalist on HMS Beagle, 1831–1836, Darwin published *On the Origins of Species by Means of Natural Selection or the Preservation of Favored Races in the Struggle for Life* (1859). This explained the evolutionary process through the principles of natural and sexual selection. It aroused bitter controversy because it disagreed with the literal interpretation of the Book of Genesis in the Bible.



**Thomas Henry Huxley** (1825–1895) – English scientist and humanist who was largely self-educated. Following the publication of Charles Darwin's *On the Origin of Species*, he became known as “Darwin's bulldog,” and for many years was a prominent champion of evolution. He is considered the founder of “scientific humanism,” and to have coined the term *agnostic* as a description of his views on theology.



**natural selection** – the process whereby gene frequencies in a population change through certain individuals, producing more descendants than others because they are better able to survive and reproduce in their environment. The cumulative effect of natural selection is to produce adaptations such as the insulating coat of a polar bear or the spadelike forelimbs of a mole. The process is slow, relying firstly on random variation in the genes of an organism being produced by mutation, and secondly on the genetic recombination of sexual reproduction. It was proposed by Charles Darwin and Alfred Russel Wallace as the main process driving evolution.

- 5 **Gregor Johann Mendel** (1822–1884) – Austrian biologist who founded the science of genetics. His experiments with successive generations of peas provided the basis for his theory of *particulate inheritance* (rather than *blending*), involving dominant and recessive characters. His results, published from 1865–1869, remained unrecognized until the early-20th century. From 1868, Mendel was an abbot of the Augustinian Abbey at Brunn (now Brno, the second largest city in the Czech Republic). Mendel also bred bees using beehives he designed on his own, and studied astronomy and meteorology.



**Hugo de Vries** (1848–1935) – Dutch botanist who conducted important research on osmosis in plant cells and was a pioneer in the study of plant evolution. His work led to the rediscovery of Mendel’s laws and the discovery of spontaneously occurring mutations.

**sexual selection** – a process similar to natural selection but related exclusively to success in finding a mate for the purpose of sexual reproduction and producing offspring. Sexual selection occurs when one sex (usually but not always the female) invests more effort in producing than the other. Members of the other sex compete for access to this limited resource (usually males competing for the chance to mate with females). Sexual selection often favors features that increase a male’s attractiveness to females (such as the pheasant’s tail) or enable males to fight with one another (such as a deer’s antlers). More subtly, it can produce hormonal effects by which the male makes the female unreceptive to other males, causes the abortion of fetuses already conceived, or removes the sperm of males who have already mated with a female.

- 6 **punctuated equilibrium model** – an evolutionary theory developed by Niles Eldridge and Stephen Jay Gould (1972) to explain discontinuities in the fossil record. It claims that periods of rapid change alternate with periods of relative stability (stasis), and that the appearance of new lineages is a separate process from the gradual evolution of adaptive changes within a species. The pattern of stasis and more rapid change is now widely accepted, but the second part of the theory remains unsubstantiated (refer to Endnote 175 in Volume 2).
- 7 Refers to *McLean versus Arkansas Board of Education*, a 1981 legal case in the State of Arkansas (US) filed by parents, religious groups and organizations, biologists, and others who argued that the Arkansas state law known as the *Balanced Treatment for Creation-Science and Evolution-Science Act (Act 590)*, which mandated the teaching of “creation science” in Arkansas public schools, was unconstitutional because it violated the First Amendment to the US Constitution. In handing down his decision in 1982, Judge William Overton concluded that “creation science” is a religion and not a science.
- 8 Narrated by Abū Hurayrah and recorded by Imams al-Bukhārī, Muslim, and al-Suyūfī.  
استوصوا بالنساء . فإن المرأة خلقت من ضلع . وإن أعوج شيء في الضلع أعلاه . فإن ذهب تقييمه كسبرته . وإن تركته لم يزل أعوج . فاستوصوا بالنساء.
- 9 Genesis, 1:27.

- 10 **Virginia (Adeline) Woolf** (1882–1941) – novelist who was born in London. Educated privately, in 1912 she married Leonard (Sidney) Woolf (1880–1969), with whom she set up the Hogarth Press (1917). A leading member of the Bloomsbury Group, she made a major contribution to the development of the novel, in such works as *Mrs. Dalloway* (1925), *To the Lighthouse* (1927), and *The Waves* (1931), noted for their impressionistic style, a development of the stream-of-consciousness technique. She also wrote biographies and critical essays. After a mental illness, she committed suicide. Publication of her *Diary* (5 volumes, 1977–1984) and *Letters* (6 volumes, 1975–1980) further enhanced her reputation.

**Simone de Beauvoir** (1908–1986) – existentialist writer, novelist, feminist, and socialist born in Paris. She studied philosophy with Jean-Paul Sartre at the Sorbonne, where she became professor (1941–1943). Closely associated with his literary activities after WWII, she remained his companion until his death (1980). Her own works provide existentialism with an essentially feminine sensibility, notably *Le Deuxieme sexe* (*The Second Sex*, 1949) and her masterpiece *Les Mandarins* (*The Mandarins*, 1954), for which she won France's highest literary prize, the Prix Goncourt. With Sartre she founded *Les Temps modernes* in 1945. She also published autobiographical volumes.

- 11 **French Revolution** (1789–1799) – see Endnote 320 in Volume 5.
- 12 The earliest methods of **contraception** did not involve chemical or mechanical devices. Douching, or cleaning the vagina with water, although widely practiced has never been effective against conception. The use of a “safe period” or rhythm method is based on the fact that both spermatozoa and ova survive for only a day or two after release. Although attractive to the Roman Catholic Church, it is fallible because of the difficulty in timing ovulation, and the variability of the duration of the menstrual cycle. The most fertile period is between 10–17 days of a regular 28-day cycle, but in practice for most women this period and the need to avoid it is considerably longer, as few follow a sufficiently regular pattern. Thus, other than for religious or moral grounds, the rhythm method has been avoided by couples for whom an unwanted pregnancy would be a disaster, but it has been acceptable to those for whom an unplanned pregnancy would merely be an inconvenience. *Coitus interruptus* involves withdrawal of the penis from the vagina just prior to ejaculation. Formerly popular, its efficacy clearly depends on self-control on the part of the male in all circumstances, and often leads to anxiety on the part of both partners.

The use of a condom was first described in the 16th century as a protection against syphilis; it consisted of a linen sheath. The modern condom is made of siliconed latex with an expanded part or teat on the end. It is

appropriately and widely advocated because its mechanical protection guards not only against pregnancy but also against AIDS. It is probably the most widely used contraceptive method in the Western world. Other mechanical devices include shields, diaphragms, or caps inserted into the vagina over the cervix. These require proper insertion some time before coitus, and should be retained for six to eight hours afterward. Their efficacy can be improved by the use of spermicidal agents. Intra-uterine devices (IUDs) are empirically designed spring-like foreign bodies that are inserted by a trained person into the uterus. Made of inert plastic or metal, they do not prevent ovulation and are not spermicidal, but appear to act by preventing the products of conception from becoming embedded in the uterine wall. Their use has been widely advocated in attempts at population control by some developing countries. They should not be used in women who suffer from pelvic infection; their use may indeed lead to this complication, and result later in permanent infertility.

The most important development in contraception has been the introduction of the contraceptive or birth control pill. This contains synthetic steroids similar to the female sex hormones estrogen and progesterone, either together, or progesterone alone. Their use is based on the action of inhibiting ovulation. Combined estrogen and progesterone pills are the most effective, and are taken for 21 days followed by a 7-day interval during which menstrual bleeding occurs. The use of combined estrogen/progesterone pills carries a small risk of blood clotting and embolic episodes, especially in women over 35 years. The single progesterone pill (the minipill) taken daily without a break has a higher failure rate, but is safer in older individuals; it is believed to act by thickening the secretions of the cervix and uterine tubes, thereby preventing the sperm from reaching the egg. Post-coital contraceptives (the morning-after pill) contain the synthetic estrogen stilbestrol. When taken after intercourse, stilbestrol prevents implantation of any fertilized egg. It is insufficiently safe to be used as an ordinary contraceptive device, and is reserved for emergencies (such as following rape).

The most drastic, and often irreversible, approach to the prevention of pregnancy is sterilization.

- 13 ***Roe versus Wade*** (1973) – a landmark US Supreme Court decision, and one of the most controversial, in which the Court said that the right to privacy under the due process clause in the 14th Amendment to the US Constitution extends to a woman's decision to have an abortion, but that right must be balanced against the state's two legitimate interests for regulating abortions: protecting prenatal life and protecting the woman's health. In later rulings the Court held that a woman has a right to an abortion up until *viability*, which it defined as a fetus that is potentially able to live outside the mother's womb (usually at about seven months or 28 weeks).



- 14 **Banū Ghatafān** – one of the major Arabian tribes from the north of Madinah. They allied with the Quraysh in the Battle of al-Aḥzāb.
- 15 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Muntir, Volume 4*, p. 228 (quoted from *Asbāb al-Nuzūl* by al-Wāhidī, p. 81).
- 16 **Aquila** and **Priscilla** – two people, husband and wife, who met St. Paul in Corinth (Acts of the Apostles, 18:1–3), and were driven to him because they shared his occupation as tentmaker (or worker in leather). Their home was in Pontus in northeast Asia Minor, which was a part of the Roman Empire at that time; they were expelled from Rome by Claudius' edict driving out all Jews in 49CE.
- 17 **Jebusites** – the way biblical history is presented by some, they are considered to be one of six pre-Israelite, ethnic groups of Canaanites living in Palestine around Jerusalem (Numbers, 13:29; Joshua, 15:63). They are said to be descended from the third son of Canaan (Genesis, 10:15–16). Jebus was the name given to Jerusalem, the principle city of their territory (Judges, 19:10–11; 1 Chronicles, 11:4–5); the name *Jebusites* sometimes refers simply to the inhabitants of Jerusalem (Genesis, 15:21). The Israelis burned down the city (Judges, 1:8), but its former inhabitants regained it and held onto it until David (ﷺ) permanently captured it (2 Samuel, 5:6). The Jebusites were then, as this narrative of history goes, absorbed into the Israeli population.
- Rehoboam** – king of Judah from 933–916BCE; son and successor of King Solomon in biblical literature; and first king of the southern kingdom. In Hebrew, the word *rehoboam* can mean *may the people become greater*. He may have taken this name to indicate that he would not exert over his people the harsh kind of power associated with his father. Rehoboam became king at the age of 41 and reigned 17 years (1 Kings, 14:21; 2 Chronicles, 12:13), but in time he became even harsher than his father, which led to the revolt of the north and the breakup of the kingdom.
- 18 **Talmud** – the two most important works of post-biblical Jewish literature. The Babylonian and the Palestinian (or Jerusalem) Talmud provide a compilation of ancient Jewish law and tradition. The Babylonian Talmud was edited at the end of the 5th century CE and is the more authoritative version for later Judaism; both Talmuds were written in a mix of Hebrew and Aramaic. They contain the *Gemara* (rabbinical analysis and commentary on the *Mishnah*) and the *Mishnah* (first major written redaction of Jewish oral traditions by rabbis, compiled about 200CE), and the material can be generally divided into *halakhah*, consisting of legal and ritual matters, and *haggadah*, concerned with ethical, theological, and folklorist matters.

**takkanah** – a regulation that supplements the law of the Torah. Such legislative enactments have been executed since the earliest times, and the total number incorporated into current Jewish law is extremely large.

**Rabbeinu Gershom** (960–1040?CE) – famous scholar of the Talmud who is famous for a synod (a religious council usually convened to decide an issue of doctrine, administration, and/or application) he organized around 1000CE, in which he instituted various laws and proscriptions, such as the prohibition of polygamy, the prohibition of divorcing a woman against her will, and the modification of rules for those who became apostates under compulsion. He is also considered to be the spiritual guide of the fledgling Ashkenazi community of the time.

19 Information taken from:

UNICEF (United Nations Children's Fund), *Information by country and programme*. (New York, New York: UNICEF website, 2011).  
<http://www.unicef.org/infobycountry/>

SOS Children's Villages, *Worldwide Orphan Facts, Figures and Statistics*. (Washington, DC: SOS Children's Villages website, 2011).  
<http://www.sos-usa.org/about-sos/what-we-do/orphan-statistics/pages/global-orphan-statistics.aspx>

20 Narrated by Umm al-Mu'minīn 'Ā'ishah, and recorded by Abū Dāwūd, al-Tirmidhī, and al-Nisā'ī.

اللهم هذا قسمي فيما أملك فلا تلمني فيما تملك ولا أملك.

21 **Samson** (11th century BCE) – in the Old Testament (Book of Judges), a hero of Israel who was renowned for his exploits of strength against the Philistines, which ended when his lover Delilah cut off his hair, the source of his strength.

22 Sayyid Quṭb, *Fī Zīlāl al-Qur'ān, Volume 1*. (Beirut, Lebanon: Dār al-Shurūq, 1405AH), 11th ed., p. 578 (originally cited by Abū Dāwūd; the man's name was 'Umayrah al-Asadī).

23 Ibid., (originally cited by al-Bukhārī; the man's name was Ghaylān ibn Salamaḥ al-Thaqafī).

24 Narrated by 'Awf ibn al-Ḥārith and recorded by al-Shāfi'ī in his *Musnad* (the man's name was Nawfal ibn Mu'āwiyah al-Daylamī).

إختر أربعاً أبتهن شئت وفارق الأخرى.

- 25 **First Amendment to the US Constitution** – ratified 12-15-1791.  
Freedom of Religion, Press, Expression: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances (source: <http://www.usconstitution.net/const.html#Am1>).
- 26 The whole verse in the English Standard Version of the Bible is, “For the price of a prostitute is only a loaf of bread, but a married woman hunts down a precious life” (Proverbs, 6:26).
- 27 Melissa Farley, *Prostitution and Trafficking in Nevada: Making the Connections*. (San Francisco, California: Prostitution Research and Education, 2007).  
<http://www.prostitutionresearch.com/>
- Gabriel R. Vogliotti, *The Girls of Nevada: Prostitution in Nevada, from the Roadside Brothels to the Beauties of Vegas, told against a Background of Gambling and Glamour*. (Secaucus, New Jersey: Lyle Stuart, 1974).
- Answers.com, *Prostitution in Nevada*. (New York, New York: Answers Corporation website, 2011).  
<http://www.answers.com/topic/prostitution-in-nevada>
- 28 Sheila Jeffreys, *The Industrial Vagina: The Political Economy of the Global Sex Trade*. (London, United Kingdom: Routledge, 2008);
- Christine Stark and Rebecca Whisnant (editors), *Not for Sale. Feminists resisting prostitution and pornography*. (North Melbourne, Australia: Spinifex Press, 2004);
- Melissa Farley (editor), *Prostitution, Trafficking, and Traumatic Stress*. (London, United Kingdom: Routledge, 2004).
- 29 A *dīnār* was a gold coin used as currency at the time of the Prophet (ﷺ). A modern equivalent of an original Makkan *dīnār* would be approximately 4.25 grams of gold.
- 30 Narrated by Sahl ibn Sa‘d and recorded by Imams al-Bukhārī, Muslim, and Aḥmad ibn Hanbal.

- 31 **Down's Syndrome** – the leading clinical cause of mental disabilities, it is a congenital abnormality especially liable to affect babies born to mothers over 40 years of age. Its incidence is approximately one in every 800–1,000 births, and it has no predetermination to race, sex, or national origin. The head of the child is small with high cheekbones and flattened nose; the eyes are slanted, with a prominent fold over the inner part of either eye; the hands are short and broad; and there are varying degrees of mental disability and degraded motor skills. The defect usually stems from a failure of one chromosome of a germ cell to split in the normal way to form a healthy ovum with 23 chromosomes; an ovum with 24 chromosomes is produced, and if this ovum is fertilized, the developing embryo possesses an extra chromosome. With special education, these children can reach a level, in many cases, on a par with their non-disabled peers, but may do so at a slower pace. The condition is named after English physician John Landon Down (1828–1896), and is sometimes referred to as mongolism.

**Rubella (German Measles)** – a highly infectious disease of virological origin that affects older children and young adults. Although a trivial short-lived illness, its importance lies in the fact that a woman who develops the infection in the first 18 weeks of pregnancy is likely to have a child with a congenital abnormality. A vaccine to prevent the disease is now available, and is given to schoolgirls.

**thalidomide** – a sedative introduced in West Germany in 1956, in the UK in 1958, and subsequently in some other countries. It became widely used because of its particular safety (even massive overdoses are not lethal). However, it was recognized as a teratogen (a cause of congenital abnormalities) and withdrawn; approximately 20% of babies whose mothers had taken thalidomide during early pregnancy suffered absence of limbs or part of limbs. It has been estimated to be responsible for 10,000 cases of deformity. Since this disaster, all drugs and other chemicals with which humans come into contact have been required to prove lack of teratogenic potential before they can be marketed.

**autism** – a developmental disorder that appears in the first three years of life, and affects the brain's normal development of social and communication skills. It is a physical condition linked to abnormal biology and chemistry in the brain. The exact causes of these abnormalities remain unknown, and it is possible that there could be a combination of factors that lead to autism. Genetic factors seem to be important; chromosomal abnormalities and other neurological problems are more common in families with autism. A number of other possible causes have been suspected, but not proven. They involve: (a) diet, (b) digestive tract changes, (c) the body's inability to properly use

vitamins and minerals, (d) vaccine sensitivity, and (e) mercury poisoning. The exact number of children with autism is not known. A report released by the US Centers for Disease Control and Prevention (CDC) suggests that autism and related disorders are more common than previously thought. Autism affects boys 3–4 times more often than girls. Family income, education, and lifestyle do not seem to affect the risk of autism.

Insofar as symptoms are concerned most parents of autistic children suspect that something is wrong by the time the child is 18 months old and seek help by the time the child is age 2. Children with autism typically have difficulties in pretend play, social interactions, and verbal and nonverbal communication. Some children with autism appear normal before the age of 1 or 2 and then suddenly “regress” and lose language or social skills they had previously gained. People with autism may be: (1) overly sensitive in sight, hearing, touch, smell, or taste (for example, they may refuse to wear “itchy” clothes and become distressed if they are forced to wear the clothes), (2) have unusual distress when routines are changed, (3) perform repeated body movements, and (4) show unusual attachments to objects. These symptoms may vary from moderate to severe.

- 32 From a scientific viewpoint, genetic disorders stem directly from abnormalities in chromosomes, each one of which carries many genes, or defects in, or absence of single genes. Chromosomal abnormalities stem from defects in cell division in which the expected complement of 46 normal chromosomes is not achieved in body cells. Some of these produce recognizable abnormalities, such as Down’s Syndrome. Defects of a single gene arise from a mutation in the DNA code, and are inherited in a simple fashion following Mendelian laws.<sup>a</sup> If the gene is located on one of the sex chromosomes, the disorder is said to be *sex-linked*; if it is located on a chromosome not concerned with sex determination, it is said to be *autosomal*.<sup>b</sup> Hemophilia is the best known sex-linked disorder, occurring in males and transmitted by females.<sup>c</sup> Achondroplasia,<sup>d</sup> cystic-fibrosis,<sup>e</sup> and Marfan’s Syndrome<sup>f</sup> are among the more common autosomal disorders. At present there is no way to treat these disorders by direct gene replacement.

a **Mendel’s laws** – the fundamental principles of biological inheritance, proposed by Gregor Mendel in 1855. In a series of experiments on garden peas, he crossed varieties differing in particular features (for example, tall by short), and observed the effects on the individuals in each generation. His *principle of gametic purity* says that inherited pairs of factors segregate at germ cell formation and recombine at fertilization, that is, a sex cell (sperm, ovum, pollen) can carry only one from each pair of factors available to it. This showed that characteristics are not transmitted directly from generation to generation as previously thought, but

that there are discrete factors responsible for their appearance. The *law of independent segregation* says that when more than one pair of factors are involved in a cross, each pair segregates independently of the others. The mechanisms that Mendel described in his laws remain the basis for much of modern genetics.

- b **autosomes** – chromosomes other than the X and Y sex chromosomes. The term was coined in genetics at a time (1906) when sex-determination was little understood. Distinguishing the sex chromosomes from the autosomes cleared the way for the understanding of a wide variety of sex-determining mechanisms.
- c **hemophilia** – any of several inherited diseases in which normal blood clotting is impaired. The sufferer experiences prolonged bleeding from the slightest wound, as well as painful internal bleeding without apparent cause. Hemophiliacs are nearly always sex-linked, transmitted through the female line only to male infants; it has afflicted a number of European royal households. Males affected by the most common form are unable to synthesize Factor VIII, a protein involved in the clotting of blood. Treatment is primarily with Factor VIII (now mass-produced from donated blood), but the hemophiliac remains at risk from the slightest incident of bleeding. The disease is a painful one that causes joint deformities.
- d **achondroplasia** – an inherited form of dwarfism, in which growth of the limb bones is disproportionately shortened. There is a characteristic bulging of the forehead and saddle nose. In the West, circus dwarfs are commonly achondroplastic.
- e **cystic-fibrosis** – a hereditary disease involving defects of various tissues, including the sweat glands, the mucous glands of the bronchi (air passages), and the pancreas. The sufferer experiences repeated chest infections and digestive disorders, generally failing to thrive. In 1989 the gene responsible for cystic-fibrosis was identified by teams of researchers in Michigan and Toronto; this discovery promises more reliable diagnosis of the disease in babies before birth. One out of every 22 people is a carrier of the disease. If two carriers have children, each child has a 25% chance of having the disease; it is known to occur in approximately one in 2,000 pregnancies. Cystic-fibrosis was once universally fatal at an early age; now, although there is not a definitive cure, treatments have raised both the quality and expectancy of life. The condition is managed by diets and drugs, physical therapy to keep the chest clear, and use of antibiotics to combat infection and minimize damage to the lungs. Some sufferers have benefitted from heart-lung transplants.

f **Marfan's Syndrome** – also know as **arachnodactyly**, it is an inherited disease of the connective tissue in which arms and legs grow to abnormal lengths. Telltale signs include long, spidery fingers; excessively mobile joints; possible heart disease and dislocation of the lenses of the eyes; and a lack of subcutaneous tissue. Affected individuals are generally underweight in spite of being extremely tall. It is named after French pediatrician Bernard Jean Antoinin Marfan (1858–1942). Many famous people are said to have suffered from it including US president Abraham Lincoln, professional basketball player Kevin McHale, and US Olympic athlete Flora Hyman, who died of aortic dissection related to her condition.

33 Dr. Wahbaḥ al-Zuḥaylī, *Al-Tafsīr al-Munīr, Volume 4*, p. 261 (narrated by Ibn 'Abbās and Abū Muḥammad 'Abdullāh ibn Muḥammad ibn Ja'far ibn Ḥayyān al-Iṣfahānī, and recorded by Ibn Ḥabbān in *Kitāb al-Farā'id*).

Ibn Kathīr says the name of the woman was Umm Kuḥḥaḥ, and al-Ṭabarī says her name was Umm Kujjah.

34 Narrated by Sahl ibn Sa'd and recorded by Imams Aḥmad ibn Hanbal, al-Bukhārī, Abū Dāwūd, and al-Tirmidhī.

أنا و كافل البيتيم كهاتين وأشار بإصبعيه السبابة والوسطى.

35 Sayyid Quṭb, *Fī Zīlāl al-Qur'ān, Volume 1*, p. 590 (commenting on “a male has the parcel of two females in inheritance,” al-'Awfī said it on the authority of Ibn 'Abbās).

36 Narrated by Jābir ibn 'Abdillāh who related it to 'Abdullāh ibn Muḥammad ibn 'Aqīl, and recorded by Abū Dāwūd, al-Tirmidhī, al-Ḥākim, Aḥmad ibn Hanbal, and Ibn Mājah.

أعط بنتي سعد الثلثين وأمهما الثمن وما بقي فهو لك.

37 *'Aṣābah* roughly means a man's consanguine paternal kindred such as his sons and father's agnatic relatives. There is a kindred *'aṣābah* that breaks down into an intrinsic and an extrinsic *'aṣābah*. The intrinsic *'aṣābah* is considered to be every male in a man's bloodline to include his father's and grandfather's line of descent. The extrinsic *'aṣābah* is considered to be the person's female bloodline — women who are entitled to one-half and two-thirds of the inheritance (and they are the daughters and the nieces on both a brother's or sister's side when either has a brother).

There are other forms of *'aṣābah*. One is an inessential *'aṣābah*, which includes every female who is adjunctive with another female to qualify for

inheritance. For example, a sister of a deceased adjoins with a daughter of a deceased to become parallel inheritors. Another kind is the causal *'aṣābah*, which includes an inheritance relationship due to “release from bondage.” A captive released from bondage by a patron gains an inheritance relationship with him if he has no one to inherit him; the freed individual is called *mawlā al-'atāqah*. Finally, there is a contractual *'aṣābah*, in which case a man declares another man his dependent, who would then inherit his patron when he died; the dependent is called *mawlā al-muwālāt*.

38 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr*, Volume 4, p. 284.

39 Narrated by Abū Qatādaḥ and recorded by Imams Muslim, Mālik, al-Tirmidhī, and al-Nisā'ī.

عن رسول الله صلى الله عليه وآله وسلم أنه قام فيهم فذكر لهم أن الجهاد في سبيل الله والإيمان بالله أفضل الأعمال فقال يا رسول الله أرأيت إن قتلت في سبيل الله تكفر عني خطاياي فقال له رسول الله صلى الله عليه وآله وسلم نعم إن قتلت في سبيل الله وأنت صابر محتسب مقبل غير مدبر ثم قال رسول الله صلى الله عليه وآله وسلم كيف قلت قال أرأيت إن قتلت في سبيل الله تكفر عني خطاياي فقال رسول الله صلى الله عليه وآله وسلم نعم وأنت صابر محتسب مقبل غير مدبر إلا الدين فإن جبريل عليه السلام قال لي ذلك.

40 Narrated by Abū Qatādaḥ and recorded by al-Tirmidhī.

أن النبي صلى الله عليه وسلم أتى برجل ليصلي عليه . فقال النبي صلى الله عليه وسلم : صلوا على صاحبكم . فإن عليه ديناً . قال أبو قتادة : هو علي : فقال رسول الله صلى الله عليه وسلم : بالوفاء ؟ فصلى عليه .

41 Sayyid Quṭb, *Fī Ṣilāl al-Qur'ān*, Volume 1, p. 594 (originally narrated by Ibn Jarīr and others on the authority of al-Sha'bi).

42 Ibid.

43 Narrated by Usāmah ibn Zayd and many others, and recorded in virtually all books of hadith, “A *kāfir* does not inherit a Muslim, and a Muslim does not inherit a *kāfir*.”

لا يرث الكافر المسلم ولا المسلم الكافر.

44 Recently, the government in France made it official and public: Muslim ladies are not allowed to go to schools, universities, or hold government positions if they wear their Islamic garb; and other governments in Europe are thinking about doing the same thing. This official behavior goes to shed light on how perfect this Qur'an is and how caring its words are when it comes to the issue of preserving and protecting Muslim women from disturbed people who cannot live with women of higher moral and behavioral



standards. Despite their recent behavior to restrain the freedom of Muslim women to dress modestly, these Euro-seculars, with greater vigor, still characterize themselves as the founders of liberty and equality. The not-so-subtle parting of ways between Muslims, who care for the dignity of their women-folk, and those others who do not is affixed in the meanings of this *āyah* as it builds the moral character and relations in society as opposed to the *kāfir* secular forces who cannot live another day seeing women free from all behavior that leads to sin and humiliation.

- 45 **homosexuality** – sexual preference for, or attraction to, persons of one’s own sex; in women it is referred to as **lesbianism**, so called from the Greek island of Lesbos (now Lesbos), the home of Sappho, the poet, and her followers to whom the behavior was attributed. Both sexes use the term *gay*. Men and women who are attracted to both sexes are referred to as **bisexual**. The extent to which homosexual behavior is caused by biological or psychological factors is an area that generates much controversy in societies that have lost their touch with Allah (ﷻ). Secular and either socially inhibited or socially libertine communities seem to breed this gender deviation.

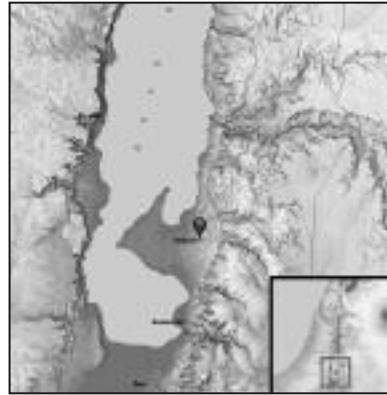
Although some ancient civilizations, notably ancient Greece and Confucian China, accepted homosexuality, other societies have punished it. In 12th-century Europe, sodomy was punishable by burning, and since then homosexuals have encountered varying degrees of disapproval and opposition. In the latter half of the 20th century, homosexuals in the West and elsewhere have been emboldened to express their sexual deviation. Some of that has been due to campaigns by sexual advocacy groups and “lobbies” that agitate for “gay rights”. Laws against homosexuality differ from country to country. In the US, for example, many states prohibit homosexual acts while in the European countries (except the Isle of Man) homosexuality between consenting adults is legal. Recently, homosexuals have feared further discrimination as a result of the discovery of the AIDS (HIV) virus, which has been directly linked to homosexuality.

- 46 Narrated by Ibn ‘Abbās and recorded in almost all the books of hadith.

من رأيتموه يعمل عمل قوم لوط فاقتلوا الفاعل والمفعول به.

- 47 **Sodom and Gomorrah** – two of five “cities of the plain” in ancient Palestine, perhaps now submerged under the south end of the Dead Sea or located to the southeast of the Dead Sea. In the Book of Genesis, 18–19, the cities were legendary for their wickedness, especially their sexual perversity. The stories tell how Lot (ﷻ) and his family were warned to flee from their home in Sodom just before the city was destroyed by “brimstone and fire” as a divine judgment.

According to the Bible (Book of Genesis), Lot is the nephew of Abraham (אַבְרָהָם), who moved away to settle in Canaan, which is near Sodom. Stories describe Lot's rescue from the wickedness of that place by Abraham (אַבְרָהָם) and two angels. Symbolic of backsliding, Lot's (לוֹט) wife is described as looking back during this escape and being turned into "a pillar of salt." Lot, according to biblical history, was named as the ancestor of the Moabites (named after Moab, the son from an incestuous relationship between Lot and his elder daughter) and Ammonites (named after Benammi, the son from an incestuous relationship between Lot and his younger daughter).



- 48 **Viagra** – trade name for *sildenafil citrate*, a drug marketed by the pharmaceutical company Pfizer to treat erectile dysfunction and pulmonary arterial hypertension. Common adverse side effects include headache, flushing, dyspepsia (indigestion), nasal congestion and impaired vision. In some cases, more serious adverse effects, such as priapism (persistent and painful erection), severe hypotension, myocardial infarction (heart attack), ventricular arrhythmias, stroke, increased intraocular pressure, and sudden hearing loss, have been known to occur. Recreational use of the drug has not been shown to significantly improve sexual performance, libido, or erectile quality.



- 49 For instance, Leviticus 18 (King James Version) says the following,
- 1 And the Lord spake unto Moses, saying,
  - 2 Speak unto the children of Israel, and say unto them, I am the Lord your God.
  - 3 After the doings of the land of Egypt, wherein ye dwelt, shall ye not do: and after the doings of the land of Canaan, whither I bring you, shall ye not do: neither shall ye walk in their ordinances.
  - 4 Ye shall do my judgments, and keep mine ordinances, to walk therein: I am the Lord your God.
  - 5 Ye shall therefore keep my statutes, and my judgments: which if a man do, he shall live in them: I am the Lord.
  - 6 None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the Lord.

- 7 The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover: she is thy mother; thou shalt not uncover her nakedness.
- 8 The nakedness of thy father's wife shalt thou not uncover: it is thy father's nakedness.
- 9 The nakedness of thy sister, the daughter of thy father, or daughter of thy mother, whether she be born at home, or born abroad, even their nakedness thou shalt not uncover.
- 10 The nakedness of thy son's daughter, or of thy daughter's daughter, even their nakedness thou shalt not uncover: for theirs is thine own nakedness.
- 11 The nakedness of thy father's wife's daughter, begotten of thy father, she is thy sister, thou shalt not uncover her nakedness.
- 12 Thou shalt not uncover the nakedness of thy father's sister: she is thy father's near kinswoman.
- 13 Thou shalt not uncover the nakedness of thy mother's sister: for she is thy mother's near kinswoman.
- 14 Thou shalt not uncover the nakedness of thy father's brother, thou shalt not approach to his wife: she is thine aunt.
- 15 Thou shalt not uncover the nakedness of thy daughter in law: she is thy son's wife; thou shalt not uncover her nakedness.
- 16 Thou shalt not uncover the nakedness of thy brother's wife: it is thy brother's nakedness.
- 17 Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness; for they are her near kinswomen: it is wickedness.
- 18 Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, beside the other in her life time.
- 19 Also thou shalt not approach unto a woman to uncover her nakedness, as long as she is put apart for her uncleanness.
- 20 Moreover thou shalt not lie carnally with thy neighbour's wife, to defile thyself with her.
- 21 And thou shalt not let any of thy seed pass through the fire to Molech, neither shalt thou profane the name of thy God: I am the Lord.
- 22 Thou shalt not lie with mankind, as with womankind: it is abomination.
- 23 Neither shalt thou lie with any beast to defile thyself therewith: neither shall any woman stand before a beast to lie down thereto: it is confusion.
- 24 Defile not ye yourselves in any of these things: for in all these the nations are defiled which I cast out before you:
- 25 And the land is defiled: therefore I do visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants.
- 26 Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations; neither any of your own nation, nor any stranger that sojourneth among you:

- 27 (For all these abominations have the men of the land done, which were before you, and the land is defiled;)  
 28 That the land spue not you out also, when ye defile it, as it spued out the nations that were before you.  
 29 For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people.  
 30 Therefore shall ye keep mine ordinance, that ye commit not any one of these abominable customs, which were committed before you, and that ye defile not yourselves therein: I am the Lord your God.

50 **Amnon** (also **Aminon**) – said to be eldest son of David by Ahinoam, the Jezreelite. He became enamored of his half-sister Tamar, and raped her. Two years later, Tamar's brother, Absalom, had Amnon killed for his crime (2 Samuel, 13).

51 **Sigmund Freud** (1856–1939) – Austrian physician and neurologist; founder of psychoanalysis. Born in Freiberg, Moravia, he moved with his family to Leipzig three years later, and then to Vienna, where he lived until a year before his death. While at the University of Vienna, where he was educated in the field of medicine, he began work on the staff of a psychiatric clinic, engaged in research, and was appointed a lecturer at the university in neuropsychology.



Freud's first work with Josef Breuer (with some attention to Charcot's work at Paris) convinced him that symptoms with no physiological basis could be alleviated by hypnosis and therefore had a psychogenic basis. In 1895 he published, with Breuer, *Studies in Hysteria*. Their conclusions were not well accepted by the medical profession, but the book probably marked the beginning of the psychoanalysis movement.

In 1897, Freud began a self-analysis, something which most psychiatrists would not attempt, but which gave him new insights for his theories, including that of childhood sexuality and the Oedipus Complex. Freud viewed sexuality as one of the major bases for adult behavior. From 1895–1899 he did the research that resulted in *Interpretations of Dreams*, one of his most important works.

The Vienna Psychoanalytical Circle began at Freud's house in 1902, where a distinguished gathering blossomed but was later torn apart by differences. In 1909 he was pleased by the invitation to lecture in the United States under the auspices of E. Stanley Hall, president of Clark University. In 1912, he developed his theory of the unconscious in a lecture to the London Society for Psychological Research. The *Ego and the Id* (1923) developed his tripartite understanding of the person as *id-ego-superego*. *The Future of an*

*Illusion* (1927) and *Moses and Monotheism* (1939) are two of his philosophical discussions of religion. Freud, who was Jewish, stayed in Vienna until the Nazi soldiers were basically a stone's throw from his door; only then was he persuaded to move to London, where he died a year later. Freud was an original thinker whose ideas changed the direction of human thought at a time when humans were virtually adrift of scripture. He ignored the socio-economic factors in psychological development and minimized the nature-nurture elements. He opened the understanding of the depths of a person's psyche as none before him in Europe had.

From 1900–1920, Freud invested his time in expounding, amplifying, and propagating what he had learned through his perceptivity and refulgency during the 1890s. In these two decades he wrote some 80 papers and nine books, the most important of which are perhaps:

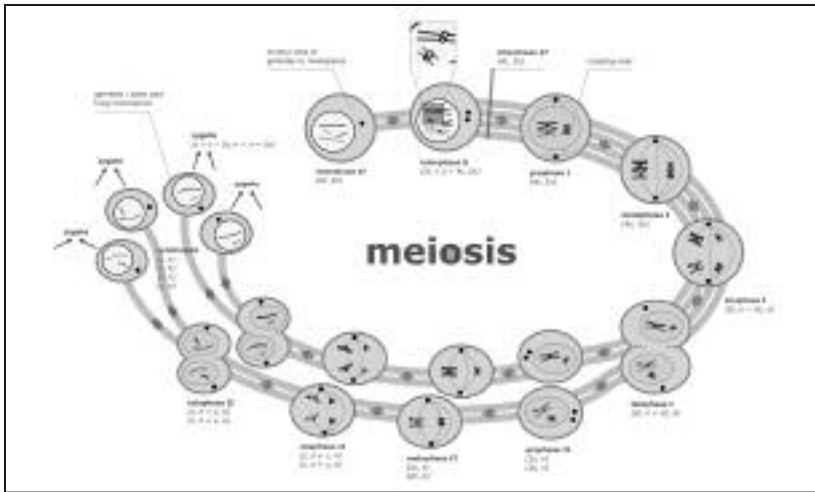
1. *The Psychopathology of Everyday Life* (*Zur Psychopathologie des Alltagslebens*, 1904), in which slips of the tongue and other faulty actions were shown to be unconsciously determined.
2. *Three Essays on the Theory of Sexuality* (*Drei Abhandlungen zur Sexualtheorie*, 1905), in which he discussed (a) sexual perversions and their inverse relation to neuroses, (b) infantile sexuality, arguing that infants have erotic sensations from the beginning of life and that their sexual instinct goes through a series of developmental stages (oral, anal, and phallic) during childhood, and (c) the psychosexual effects of puberty.
3. *Totem and Taboo* (*Totem und Tabu*, 1913), a speculative anthropological work, in which he interpreted the universal taboo on incest as a reaction to the Oedipus Complex, and the Oedipus Complex itself as the result of a primal crime. He assumed, following the thought pattern of Charles Darwin and Robertson Smith, that primitive man lived in hordes dominated by one powerful male who refused the other younger males access to the females; he went on to propose that the younger males periodically banded together, slew and devoured the father, and instituted totemic feasts to commemorate this primal crime. Freud himself referred to this speculation as a *just-so story* (an unverifiable and unfalsifiable narrative explanation for a cultural practice, a biological trait, or behavior of humans or other animals) and it can be regarded as an instance of his overestimation of the father; it is just as plausible to assume that the earliest human groups consisted of women and their children with loosely attached, visiting males and were matriarchal, not patriarchal.
4. *Introductory Lectures on Psychoanalysis* (*Folge der Vorlesungen zur Einführung in die Psychoanalyse*, 1915–1917), in which he expounded psychoanalytical theory in ordinary language for a lay audience. It contains his clearest account of sexual symbolism and the view of psychoanalysis given in it is the one that has passed into popular consciousness.

- Oedipus Complex** – in psychology, a term coined by Sigmund Freud for what he said was the unconscious antagonism of a son to his father, whom he sees as a “rival” for his mother’s affections. Freud coined a similar term, the **Electra Complex**, for a girl antagonistic to her mother, as a rival for her father’s affections. Freud saw this as a universal part of childhood development, which in most children is resolved during late childhood. Contemporary theory places less importance on the Oedipus/Electra complex than did Freud and his followers.
- 52 **primates** – mammals besides man that includes apes, monkeys, lemurs, etc.
- 53 Alan Barnard and Jonathan Spencer (editors), *Encyclopedia of Social and Cultural Anthropology*. (New York, New York: Routledge, 1998), pp. 294–96.
- 54 It is important to note that such conclusions do not hold for reproduction by first cousins.
- 55 **teleology** – the explanation of phenomena by the purpose they serve rather than by postulated causes; in theology, it is the doctrine of design and purpose in the material world. It is sometimes referred to as the argument of final causes and purposes. The teleological argument for the existence of God is based on the assumption that order in the universe implies an orderer and cannot be a self-generated feature of the universe. Although teleological explanations are generally avoided in the modern physical sciences, some disciplines, particularly evolutionary biology, tend to use teleological arguments to rationalize their conclusions. Teleology was fundamental to Hegel’s speculative philosophy.
- 56 **Edvard Alexander Westermarck** (1862–1939) – Swedish-Finnish anthropologist and moral philosopher. Educated at the University of Helsinki and influenced by John Stuart Mill and Herbert Spencer, he lived partly in Finland and partly in England, and from 1897 on, he made lengthy visits to Morocco. From 1903–1907, he was a lecturer in sociology at the London School of Economics, and was a professor there from 1907–1930; and from 1906–1918, he was a professor of practical philosophy at the University of Helsinki. His main publications include *The History of Human Marriage* (1891), though he never married; *The Origin and Development of the Moral Ideas, Volumes 1 and 2* (1906–1908); *A Short History of Marriage* (1926); *Early Beliefs and Their Social Influence* (1932); and *Ethical Relativity* (1932). Westermarck’s first major book, *The Origin and Development of the Moral Ideas*



(1906–1908), took him many years to produce and in it his view of ethics is already presupposed. He argued that, since there are no objective moral truths, the task of a scientific ethics is “to investigate the moral consciousness as a fact.” Accordingly he made a comparative and historical survey of the varying attitudes and practices of different human societies on such topics as homicide, blood revenge, charity, and slavery.

- 57 Alan Barnard and Jonathan Spencer, *Encyclopedia of Social and Cultural Anthropology*, pp. 294–96.
- 58 Narrated by ‘Abdullāh ibn ‘Abbās and recorded by al-Bukhārī and Muslim.  
يحرّم من الرضاعة ما يحرم من النسب.
- 59 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr*, Volume 4, p. 310.
- 60 Ibid., (originally recorded by al-Wāḥidī in *Asbāb al-Nuzūl*, and by al-Ṭabarī in volume 5 of his *tafsīr*).
- 61 **same-sex marriage** – refer to p. 257 and Endnote 126 in Volume 3.
- 62 Reproduction in its simplest form is an asexual process involving the division of an organism into two or more parts by fission, budding, spore formation, or vegetative propagation. Sexual reproduction involves the formation of specialized gametes (such as sperm and egg) by meiosis,<sup>a</sup> and the fusion of a pair of gametes to form a zygote.<sup>b</sup>
- a **meiosis** – cell division that produces reproductive cells (gametes) in sexually reproducing organisms; the nucleus divides into four nuclei, each containing half the chromosome number. It differs from **mitosis** in two important respects: (1) the chromosomes in meiosis undergo a recombination that shuffles the genes producing a different genetic combination in each gamete, compared with the co-existence of each of the two separate pairs of each chromosome (one received from each parent) in each cell that results from mitosis; and (2) the outcome of meiosis is four (genetically unique) haploid cells, compared with the two (genetically identical) diploid cells produced from mitosis (refer to the graphic on the next page).
- b **zygote** – fertilized egg of a plant or animal, formed by the fusion of male (sperm) and female (ovum) gametes. It is usually diploid (possessing a double chromosome set), having received a haploid chromosome set from each gamete.



- 63 **Gaius Plinius Secundus** (23–79CE) – better known as Pliny the Elder, he was a Roman author, naturalist, natural philosopher, and naval and army commander of the Early Roman Empire. He spent quite a bit of time investigating natural and geological phenomena; his major work was *Naturalis Historia*, one of the largest works to have survived to the present day. It encompasses disciplines such as botany, zoology, geology, and mineralogy and is used as a reference for the history of art. He died while trying to rescue a friend and his family from the eruption of Mt. Vesuvius.
- 64 Almost every God-disavowing culture with a strong tradition of visual expression has produced some artistic works that depict positions for sexual intercourse. In Japan, volumes called “pillow books” were placed in the bedclothes of newlyweds to advise them on the delights that awaited them.<sup>a</sup> In Renaissance Italy, Giulio Romano produced a set of engravings called *I Modi* (*The Positions*)<sup>b</sup> that outline some 16 different variations for coitus. The ancient Greeks displayed diverse positions on wine jars and drinking vessels.
- a ***The Pillow Book*** (990?–1002CE) – a book of observations, lists, personal thoughts, interesting events in court, poetry, and opinions about some important people, recorded by Sei Shonagon during her time as court lady to Empress Consort Teishi.
- b **Giulio Romano** (1499–1546) – Italian painter and architect; a pupil of famous painter Raphael. His artistic style helped to define what is known as mannerism. His erotic work, *I Modi*, landed the engraver, Marcantonio Raimondi, in jail.



- 65 As the ancient Indian society evolved, it is theorized, ritual sex that once took place in magic ceremonies was replaced by sculptures of sexual acts on temple facades and interiors. On these temple walls are highly detailed carvings of persons involved in twosomes, threesomes, foursomes, and more. In Japan it is said there are prints of heterosexual and lesbian activities and illustrations of all commonly known variations of the sexual act, as well as the use of *dildos*, a mechanical object that provides vaginal stimulation, and other devices. Other forms of erotic graphics from Europe, Asia, and elsewhere depict manual stimulation of the genital organs, both male and female, with a variety of ingenious positions and techniques.

**Tantrism** – forms of Hinduism and Buddhism that emphasize the division of the universe into male and female forces, which maintain its unity by their interaction; this gives women equal status with men. Tantric Hinduism is associated with magical and sexual yoga practices that imitate the union of Siva and Sakti, as described in religious books known as the *Tantras*. In Buddhism, the *Tantras* are texts attributed to the Buddha, and they describe methods of attaining enlightenment. Tantric Buddhism, practiced in medieval India, depended on the tuition of teachers, the use of yoga, mantras, and meditation to enable its followers to master themselves and gain oneness with the universe.

- 66 ***Lady Chatterly's Lover*** – a novel written by English author D.H. Lawrence in 1928, and published privately in Italy because it could not be published openly in Britain (until 1960). The basic plot of the story concerns an aristocratic young woman, Lady Chatterly, whose husband has been paralyzed and thus rendered impotent. Her sexual frustration leads her to have an affair with a working-class gamekeeper. The book chronicles in some respects Lawrence's own bitter experience with domestic life, and became notorious not only because of explicit language about sex, but also because of an affair between an upper-class woman and a lower-class man (and not the other way around for European social culture was rather well acquainted with aristocratic men having *carte blanche* in society).

***Diaries of Anaïs Nin*** (1931–1966) – the private musings and thoughts of writer Anaïs Nin, which she claims she started in 1914 at the age of 11 as a letter to her estranged father, Cuban composer Joaquín Nin; until her death in 1977, by which time she had generated over 15,000 manuscript pages, she continued, obsessively according to her therapists, recording her personal views into her diary. Becoming somewhat of a feminist icon in the 1960s, her originals, after some editing, were first published in the form of six volumes in 1966. Nin, who was married to two men at the same time and shuttled between the east and west coasts (of America) to maintain both

marriages, is considered by many to be one of the most engaging writers of female erotica.

- 67 To some degree these books are an accessory to what began as romance novels, a literary field that has exploded in recent times. While romance novels follow a fairly established format, the obligatory love scenes have gotten steamier over the years. Under the circumstances, it is not surprising that women readers would want to go one step further and read genuine erotica written for them.

What distinguishes the books written for women, with titles like *Touching Fire*, *Erotic Interludes*, and *Slow Hand*, and ordinary erotica is that most of these novels and short stories are written by women.<sup>a</sup> A female writer is perceived to have a better understanding of what a woman will find arousing, both in terms of what is in the story line and what the reader must feel in order to respond physically to the story. Women are often interested in reading a story with greater emphasis on teasing, anticipation, and a gradual build-up than two people meeting, tearing their clothes off, and jumping into bed. Many of these authors also make the effort to describe more than just the physical attributes of the lovers. To a woman, vivid descriptions, such as a garden bursting with flowers, lovers covered in silk and velvet, and the sensory stimuli that fill the air, are all exciting details that must be included for a story to be truly satisfying.

The very fact that such literature exists may begin to change the way some women respond to sexual stimulation. In contemporary scientific literature it is said that women take longer than men to become fully aroused, but from what is now known the question is whether this is a physical attribute or merely a conditioned reflex. Conservative cultural practices have traditionally socialized women to hold back their feelings of excitement and that “nice girls don’t enjoy sex,” but these stories tell women it is not necessary to wait for anyone’s permission to become aroused and enjoy a sexual fantasy.

One aspect of erotica penned by women is that these writers do not idealize the female body type into a certain category. Not every woman in these books looks like a *Playboy* centerfold.<sup>b</sup> These books show that women of all shapes and sizes — tall or fat, with small breasts or large thighs — can have fulfilling sexual lives. Another difference from the myths surrounding women’s sexuality is that these books’ heroines are aroused just by seeing an attractive man. In many stories the women have frank discussions about male anatomy, talking about which parts they find arousing and which they do not, while making it clear that the size of a man’s sexual apparatus is not the most important factor for them. Society usually frowns on women who look men up and down the way men look at women, but in these stories women are given the freedom to do just that.

- a Louise Thornton, Jan Strurtevant, Amber Coverdale Sumrall (editors), *Touching Fire: Erotic Writings by Women*. (Philadelphia, Pennsylvania: Running Press, 1998);

Lonnie Barbach, *Erotic Interludes*. (New York, New York: Plume/Penguin Publishers, 1995);

Michelle Slung, *Slow Hand: Women Writing Erotica*. (New York, New York: HarperCollins Publishers, 1993).

- b **Playboy centerfold** – a three-page (fold-out) spread of a nude woman (Playmate of the Month), generally in her early-20s but sometimes older actresses and supermodels, located at the center of *Playboy* magazine, which was founded by Hugh Hefner in 1953, and featured iconic actress Marilyn Monroe as the first Playmate. To do the centerfold spread today, Playmates of the Month are paid \$25,000, and the Playmate of the Year is given an extra \$100,000 in addition to a car and a motorcycle; Hugh Hefner personally chooses the Playmate of the Year. Circulation of the magazine peaked in the 1970s and has been declining since because of competition and the internet. In addition to featuring “beautiful” women in various stages of undress, the magazine has published short stories by notable novelists as well as interviews with major public figures such as journalists, politicians, athletes, artists, and religious figures.

68 **casual sex** – sexual activity outside the bounds of marriage where those involved do not wish to build the emotional ties that normally characterize a romantic relationship. Although there are many different definitions, what links all the definitions of casual sex is the focus on physical rather than emotional satisfaction. Casual sex can refer to “one-night stands” with strangers or agreements that stretch over a longer period of time.

69 Sayyid Quṭb, *Fī Zīlāl al-Qurʾān, Volume 1*, p. 606.

70 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr, Volume 5*, pp. 7–9 (narrated by Abū Saʿīd al-Khudrī and recorded by Muslim, Abū Dāwūd, al-Tirmidhī, and al-Nisāʾī).

71 **Ghazwah Ḥunayn** – Ḥunayn is about 14 miles east of Makkah on the road to al-Ṭāʾif; it is located in a valley surrounded by mountains situated between the two cities. Immediately after the apparent liberation of Makkah (8AH), the *mushriks*, who were dumbfounded by the successive advances of the Islamic armed forces, amassed their wherewithal and assembled near al-Ṭāʾif

to engage Muhammad (ﷺ) and his army in a war to end all wars, the winner of which would gain primacy in the Peninsula. Two tribal juntas, Hawāzin and Thaqif, led the campaign and developed a plan that would enlist Makkah for a showdown with Muhammad (ﷺ) and the early Muslims. The Muslims, in their advancing surge throughout the Peninsula, were riding a wave of confidence after multiple military victories.

This time, unlike previous occasions, the *mushriks*, with only 4,000 soldiers, were outnumbered by the combat-ready Muslims, who were around 12,000 strong. Although all the strategic and tactical circumstances appeared to favor the Muslim army in this showdown at Ḥunayn, what ultimately proved to be something of a liability was the Muslims' overconfidence in their numbers that caused their fellowship and common loyalty to plummet. Instead of each Muslim doing his combat best, he relied on the fact that there were many others who could carry the load. To begin with, because the *mushriks* were fighting on their own turf and were skilled at camouflaging themselves within their familiar terrain, the advancing Muslims were ambushed and caught off-guard. Once the Muslim army approached the vicinity of Ḥunayn they were attacked with arrows from all directions and had to put up with a resistance force that was fierce and fighting with all its might. The Muslims' superior numbers here did not provide the kind of advantage they thought would bring a quick victory. As Muslim casualties began to mount, many of them retreated and withdrew. In the middle of all this, Muhammad (ﷺ) was unruffled and steady; he mobilized the steadfast Muslim warriors and succeeded in turning the tide of the battle against the *mushriks*... and finally the *mushriks* were vanquished. Of this, the Qur'an records,

Indeed Allah has supported you in many front-line positions [when you were few]; and on the Day of Ḥunayn — when you were impressed by your superior numbers and they proved of no avail whatever to you — the earth seemed to be closing in on you, despite all its vastness, and then you began to withdraw [from the war theater]... (9:25).

- 72 Dr. Wahbah al-Zuhayli, *Al-Tafsir al-Munir*, Volume 5, p. 7 (narrated by 'Abdullāh ibn 'Abbās and recorded by al-Ṭabarānī).
- 73 The full text, articles, and commentaries on the first four **Geneva Conventions** (1949) as well as the three **Additional Protocols** (1977, 2005) may be found at (in addition to many other places):  
<http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp>

- 74 For the transformation of people from *Arabians* to *Arabs*, refer to Endnote 54 in Volume 1.
- 75 Exodus, 20:14; Deuteronomy, 5:18.
- 76 Leviticus, 20:10; Deuteronomy, 22:22.
- 77 Leviticus, 19:22; Exodus, 22:16–17; Deuteronomy, 22:28–29.
- 78 Numbers, 5:5–31.
- 79 Genesis, 20:9; Job, 31:11.
- 80 Proverbs, 7:6–23.
- 81 Hosea, 4:12–14; Jeremiah, 3:8–9; Ezekiel, 16, 23.
- 82 Matthew, 5:28.
- 83 Matthew, 5:32; Mark, 10:11–12; Luke, 16:18.
- 84 John, 7:53–8:11.
- 85 Revelation, 2:22.
- 86 Narrated by Abū Hurayrah and recorded by Imam Muslim.  
لا يجمع بين المرأة وعمتها ولا بين المرأة وخالتها.
- 87 **US Civil War** (1861–1865) – the war that transformed the United States from a federated republic into a nation-state; it was fought between Union (northern) forces — led by President Abraham Lincoln, General Winfield Scott, Major General George B. McClellan, General Henry Wager Halleck, and General Ulysses S. Grant — whose primary interest was to prevent the US from splitting up into separate countries with independent governments, and Confederate (southern) forces — led by President Jefferson Davis, General P.G.T. Beauregard, General Joseph E. Johnston, and General Robert E. Lee — whose main goal was to preserve states rights, primarily concerned with the “right” of each state to independently decide whether or not to continue the institution of slavery. The war was won when the North (Union forces) basically occupied the South (Confederate forces) and formally ended the institution of slavery with the Emancipation Proclamation. Despite revisionist attempts intended to whitewash American history,

which have become part of the mainstream narrative taught at most universities and secondary schools, institutional and “legal” slavery — either because of its moral, constitutional, and economic implications or because the northern and southern states differed in the way slavery was defined — was one of the key issues, though not the only one, that sparked the war. Even Abraham Lincoln said, “This question of slavery was more important than any other; indeed, so much more important has it become that no other national question can even get a hearing just at present.”<sup>a</sup>

Before the war, 95% of the US African American population lived in the South, the states which seceded from the Union at the start of the war, where slavery was still a fact of life. The African Americans who lived in the North, while “legally” free, did not have access to the same opportunities or the social expression of legal rights as did the majority European origin population, thus the vast majority of northern African Americans ended up being employed (if possible) in work that the other classes would not do such as servants, waiters, load haulers, etc.

The US Civil War is the deadliest (insofar as American casualties and wounded are concerned) in American history, claiming anywhere from 620,000 to 2 million lives. Historical estimates gathered from eyewitness accounts suggest that 10% of all northern males between the ages of 20–45 and that 30% of all southern white males between the ages of 18–40 were killed. Of course, the number of slaves and African American soldiers killed is either not known or cannot be approximated because data in this matter was never recorded. The concept of *total war*, which would later be employed in WWI and other subsequent US occupations, was developed and executed by General William Tecumseh Sherman (of the Union) during the Georgia campaign.

a Abraham Lincoln: speech at New Haven, Connecticut, 3-6-1860.

88 **slavery** – as a social and economic institution, slavery is said to have originated in the times when humans adopted sedentary farming methods of subsistence rather than the more nomadic forms of hunting and gathering. It was known in the Shang Dynasty in China (1600–1100BCE) and in ancient Egypt; and is recorded in the Babylonian code of Hammurabi (1750BCE), the Sanskrit Laws of Manu (600BCE), and the Bible. Slave labor became commonplace in ancient Greece and Rome, when it was used to cultivate large estates and to meet the demand for personal servants in major towns. People became slaves as prisoners of war, through birth to slave parents, through sale into slavery by free parents, and as a means of punishment.

After the fall of the Roman Empire slavery was known to exist in Arabia and in Central Europe, where many Slavs were captured and taken as slaves to Germany (hence the origin of the word). Historically, the largely

illegitimate Muslim dynasties were influenced by the globalization of slavery, and thus it was up to Muslim societies to try to undo it as much as possible from time to time and from country to country. Central Asians who became Muslims had to experiment with their own cultures in an effort to try to minimize the negative and dehumanizing effects of slavery. This included the Ottomans, the Crimean Khanate, the Mongols, the Kazakhs, and various Turkic groups as well as the Sokoto Caliphate and the Hausa in Nigeria. Some Native American peoples, such as the Comanche and Creek, also kept African slaves.

In Spain and Portugal, where the “reconquest” of the peninsula from the Muslims in the 15th century created an acute shortage of labor, captured Muslims were enslaved. They were soon followed by Europeans enslaving Africans, imported by the Portuguese prince, Henry the Navigator, after 1444CE. Because slaves were used for a wide range of tasks, a regular slave trade was established between the Guinea Coasts of Africa and the slave markets of the Iberian peninsula.

Slavery was elevated to major economic importance after the 16th century with the European conquest of South and Central America. Needing a labor force but finding the indigenous inhabitants unwilling or unable to cooperate, the Spanish and Portuguese conquerors used ever-increasing numbers of slaves drawn from Africa. Slave labor greatly multiplied the profits of those who “owned” the sugar and coffee plantations. This economic tool of slavery was so deep-rooted that a lucrative triangular trade was established between alcohol, firearms, and textiles from Europe and slaves from Africa, who would be shipped to South or Central America where they would be traded for staples such as molasses and, later, raw cotton.

The vast profits from slavery became a major element of the British economy and the West Indian trade in general. It has been estimated that between 1680 and 1776 — less than a hundred years — the British slave trade alone shipped 2 million slaves from Africa to the West Indies. The total slave trade to the Americas in the single year of 1790 may have exceeded 70,000. According to another estimate, during the nearly 400 years of the slave trade, a total of 15 million slaves were delivered to buyers and some 40 million Africans lost their lives in the notorious “middle passage.”<sup>a</sup>

European contact with Muslims through the Crusades and Iberia may have induced the major changes that began with the Reformation. Among such changes were the anti-slavery movements in the political and economic structure of Europe, which may have helped in abolishing slavery, at least legally, by the end of the 18th century. However, this was the time that witnessed the most intensive slave trade known to man across the Atlantic through European slave-trade merchants.

In the southern states of the US slavery persisted as a major, if not essential, component of the economy, providing the labor force for the cot-

ton and other plantations. While the northern states abolished slavery pro forma at the beginning of the 19th century, that did not mean much as 95% of African Americans (black slaves) in the country at the time lived in the southern states, where the slavery enterprise was peaking, and thus these southern states insisted on protecting the slavery institution. Slavery became an issue in the economic struggles between southern plantation owners and northern industrialists in the first half of the 19th century, a struggle that culminated among other things in the US Civil War.

Despite the common perception to the contrary, the war was not fought primarily on the slavery issue. President Abraham Lincoln, however, saw political advantages of promising freedom for southern slaves because he felt that emancipated slaves would immediately defect from the Confederate army and such attrition was expected to turn the tide in favor of the Union, and thus he enacted the Emancipation Proclamation in 1863. This was reinforced after the war by the 13th, 14th, and 15th amendments to the US Constitution (1865, 1868, and 1870), which on the face of it abolished slavery altogether and guaranteed citizenship and civil rights to former slaves. Apart from the moral issues, there has also been a good deal of debate on the economic efficiency of slavery as a system of production in the US. It has been argued that plantation owners might have been better off employing labor, although the effect of emancipating vast numbers of slaves could, and did, have enormous political and social repercussions in the Reconstruction period following the US Civil War.

- a **Middle Passage** – the part of the Atlantic Ocean between the west coast of Africa and the West Indies, the longest part of the journey formerly made by slave ships.

89 Recorded by al-Bukhārī.

لا يقولون أحدكم "عبيدي وأمتي" ولا يقل المملوك "ربي" ليقبل المالك "فتاي وفتاتي" وليقبل المملوك "سبيدي وسبيديتي" فإنكم المملوكون والرب هو الله عز وجل.

90 Alexandra Stiglmayer (editor), Marion Faber (translator), *Mass Rape: The War Against Women in Bosnia-Herzegovina*. (Lincoln, Nebraska: University of Nebraska Press, 1994);

Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia*. (Minneapolis, Minnesota: University of Minnesota Press, 1996);

Author unknown, *Testimony: A Trio of Women's Voices Bears Witness to the Horror of War and Rape as Yugoslavia Disintegrates*. (Los Angeles,



California: The Los Angeles Times, Los Angeles Times Magazine, January 31, 1993), p. 28.

- 91 The Brussels Tribunal, *Statistics on Displaced Iraqis around the World*. (Brussels Tribunal website, September 2007).  
<http://www.brussellstribunal.org/Refugees.htm>

Nihal Hassan, '50,000 Iraqi Refugees' Forced into Prostitution'. (London, United Kingdom: The Independent website, June 24, 2007).  
<http://www.independent.co.uk/news/world/middle-east/50000-iraqi-refugees-forced-into-prostitution-454424.html>

Rachelle Klinger, *Iraqi Women Forced into Sexual Slavery*. (Organization of Women's Freedom in Iraq website, December 2, 2009).  
<http://www.equalityiniraq.com/articles/114-iraqi-women-forced-into-sexual-slavery>

- 92 Article 6 of the 1945 Charter of the International Military Tribunal annexed to the London Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis reads as follows:

The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

- a. **Crimes against Peace:** namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;
- b. **War Crimes:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

- c. **Crimes against Humanity:** namely, murder, extermination, en-slavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan (source: <http://avalon.law.yale.edu/imt/imtconst.asp#art6>).

- 93 Articles 50 and 51 of the First Geneva Convention of 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field read as follows (source: <http://www.icrc.org/ihl.nsf/FULL/365?OpenDocument>):

**Article 50**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

**Article 51**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Articles 130 of the Third Geneva Convention of 1949 relative to the Treatment of Prisoners of War reads as follows (source: <http://www.icrc.org/ihl.nsf/FULL/375?OpenDocument>):

**Article 130**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments,

wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

Article 147 of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War reads as follows (source: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>):

**Article 147**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

- 94 Article 85 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict reads as follows (source: <http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument>):

**Repression of Breaches of this Protocol**

1. The provisions of the Conventions relating to the repression of breaches and grave breaches, supplemented by this Section, shall apply to the repression of breaches and grave breaches of this Protocol.
2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons in the power of an adverse Party protected by Articles 44, 45 and 73 of this Protocol, or against the wounded, sick and shipwrecked of the adverse Party who are protected by this Protocol, or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party and are protected by this Protocol.
3. In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol,

- when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health: (a) making the civilian population or individual civilians the object of attack; (b) launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2(a)(iii); (c) launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2(a)(iii); (d) making non-defended localities and demilitarized zones the object of attack; (e) making a person the object of attack in the knowledge that he is *hors de combat*; (f) the perfidious use, in violation of Article 37, of the distinctive emblem of the red cross, red crescent or red lion and sun or of other protective signs recognized by the Conventions or this Protocol.
4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol: (a) the transfer by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention; (b) unjustifiable delay in the repatriation of prisoners of war or civilians; (c) practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination; (d) making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, subparagraph (b), and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives; (e) depriving a person protected by the Conventions or referred to in paragraph 2 of this Article of the rights of fair and regular trial.
  5. Without prejudice to the application of the Conventions and of this Protocol, grave breaches of these instruments shall be regarded as war crimes.

- 95 Deuteronomy, 16:11–12; 27:19.
- 96 Deuteronomy, 14:29; 16:11.
- 97 Ibid.
- 98 Leviticus, 18:16.
- 99 Deuteronomy, 25:5.
- 100 Deuteronomy, 25:7–10.
- 101 **Moses ben-Maimon** (Mūsá ibn Maymūn – 1135–1204CE) – better known as **Maimonides**; a Jewish rabbi and philosopher, born in Cordoba, Muslim Spain. Known as one of the greatest Hebrew scholars, he attempted to reconcile faith and reason. He left Muslim Spain in 1160 to escape the persecution of the Jews and settled in Fez, Morocco, and later in Cairo, Egypt, where he was a personal physician to Sultan Ṣalāḥ al-Dīn (Saladin). His codification of Jewish law is known as the *Mishneh Torah* (*The Torah Reviewed*, 1180); he also formulated the *Thirteen Principles*, which summarize the basic beliefs of Judaism. His philosophical classic *More nevuḵim* (*The Guide to the Perplexed*, 1176–1191) helped to introduce Aristotelian thought into medieval philosophy.
- 102 The regulations covering levirate marriage are contained in the talmudic tractate Yevamot.
- 103 The original US Supreme Court opinion as well as concurrence for the *Loving versus Virginia* case can be sourced from the Legal Information Institute of the Cornell University Law School, [http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0388\\_0001\\_ZO.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0388_0001_ZO.html)
- 104 The term is derived from Leopold von Sacher-Masoch (refer to Endnote 17 in Volume 4).
- 105 The term is derived from the Marquis de Sade (refer to Endnote 17 in Volume 4).
- 106 These alternative behaviors refer to specific acts such as kissing, fondling and “petting,” masturbation, oral-genital cunnilingus (oral stimulation of the vulva and clitoris), oral and anal contact, and inter-femoral (pertaining to the thigh) intercourse.

- 107 Further comment on “same-sex relations” will be reserved for the narrative about Lot’s (ﻻﺋﻪ) people in the Qur’an.
- 108 There are also a number of rare “intersex” alternatives — such as X, XXX, XXY and XYY — whose holders are usually sterile.
- 109 Gender used to refer only to a grammatical categorization construct into which nouns were classified in many languages, such as masculine, feminine, and neuter (as in Latin, German, and Russian); masculine and feminine (as in French, Italian, and Spanish); or animate and inanimate (as in some Native American languages).
- 110 Genesis, 1:27–28.
- 111 Genesis, 2:18–23.

For the distinction between the Priestly (P) and the Yahwist (J) sources of the Torah (Old Testament or Hexateuch), refer to Endnote 115 in Volume 4 of this *tafsīr*.

- 112 **Book of Leviticus** – Hebrew for *Va-Yikra*, from its opening word; formerly known as *Torat Kohanim* (*the Priestly Code*). It is the third book of the Pentateuch, containing the legislation dictated to Moses (ﻻﺋﻪ) after the erection of the Tabernacle and covering chiefly the laws of sacrifice and impurity as well as moral instructions and social regulations not given in Exodus. It contains 27 chapters: 1–7, sacrificial laws; 8–10, installation of priests; 11–16, physical purity and a list of unclean animals; 17, prohibition against eating non-sacrificed meat; 18–22, moral instructions; 23, the festivals; 24, regulations connected with the Tabernacle; 25, sabbatical and jubilee years; 26, the blessings for observance and curses for non-observance; and 27, valuations and devotion to sacred usage. Some scholars believe the work to be composed of isolated commandments that were originally written down individually. Extreme critics have held that the entire work postdates the Babylonian exile, but internal evidence has been cited to date at least parts from the Sinaitic period (when Moses (ﻻﺋﻪ) and the Children of Israel were wandering in the desert).
- 113 **Parousia** – Greek for *coming, arrival, or presence*. In Christian thought, it normally refers to the future return or *second coming* of Jesus (ﻻﺋﻪ), which will be marked by a heavenly appearance, God’s judgment of all humanity, and the resurrection of the dead. Belief in the imminence of Jesus’ return is particularly prominent in St. Paul’s letters; protracted delay of the event led to some reformulation of the belief, although some Christian movements con-

tinue to await the literal fulfillment of this predicted event and the signs associated with it.

114 **Manichaeism** – one of the major Persian Gnostic religions named after the prophet, Mani, whose original writings (of revelations he claimed to have received) in the forms of six sacred books have been lost. Between the third and seventh centuries, it was perhaps the most widespread religion in the world, claiming adherents from China in the east to the Roman Empire in the west. Manichaean teaching and belief is considered to be an amalgamation of Christianity, Zoroastrianism, and Buddhism. The Manichaean vision regards the universe to have unfolded in “three creations.” The parochial attitudes toward sexuality and the preference for celibacy that converts imported into Roman Catholicism can be traced to the Third Creation of Manichaeism, in which the Father of Greatness (a non-omnipotent god who rules over the World of Light) recovers light from the material bodies of the male and female evil demons, who come from the World of Darkness, by causing them to be sexually aroused in greed for the beautiful images of the beings of light.

**Augustine of Hippo** (354–430CE) – refer to Endnote 28 in Volume 4.

115 **Council of Trent** (1545–1563) – a council of the Roman Catholic Church, held at Trento, Italy. It was called to combat Protestantism and to reform the discipline of the Church, and as such spearheaded the Counter-Reformation by clarifying many points of doctrine and practice (refer also to Endnote 24 in Volume 3).

116 **Penitential Books** – books of rules and directions for determining penances that would be given to communicants during confession in the early Roman Catholic Church. These rules were gathered together as penitential canons from the many individual decisions of bishops and councils (similar to common law). The kind of penance and its duration along with modifying factors are discussed in these books.

117 **Advent** – refer to Endnote 156 in Volume 2.

**Lent** – in the Christian Church, the weeks before Easter, observed as a period of prayer, penance, and abstinence in commemoration of Jesus' 40-day fast in the wilderness (Matthew, 4:2). In Protestant and Catholic churches, Lent begins on Ash Wednesday, 40 days before Easter; in the Eastern Orthodox tradition, it begins eight weeks before Easter, but excludes Saturdays and Sundays (refer also to Endnote 156 in Volume 2).

118 St. Thomas Aquinas, *Summa Theologiae, Volume Ia, Question 93: Whether the image of God is found in everyman?* (New York: Blackfriars, McGraw-Hill, 1964).

Also available on the internet at the following link:  
<http://www.op.org/summa/letter/summa-Iq93a4.pdf>

**St. Thomas Aquinas** (1226–1274) – Neapolitan (of Naples, Italy) philosopher and theologian, said to be the greatest figure of the *scholasticism school* (the system of philosophy predominant in Medieval Europe). He was a Dominican monk, known as the *Angelic Doctor*. In 1879, his works were recognized as the basis of Catholic theology. His *Summa contra Gentiles* (*Against the Errors of the Infidels*, 1259–1264) argues that reason and faith are compatible; he assimilated the philosophy of Aristotle into Christian doctrine (refer also to Endnotes 128 in Volume 2 and 95 in Volume 3).



119 **Renaissance** – refer to Endnote 32 in Volume 4.

120 **Protestant Reformation** (1517–1648) – a major 16th-century European movement aimed initially at reforming the beliefs and practices of the Roman Catholic Church. Its religious aspects were supplemented by ambitious political rulers who wanted to extend their power and control at the expense of the Church. The Reformation ended the unity imposed by medieval Christianity and, in the eyes of many historians, signaled the beginning of the modern era.

In 1517, in one of the seminal events of Western history, Martin Luther, a German Augustinian monk, posted his 95 *Theses* on a church door in the university town of Wittenberg. That act was common academic practice of the day and served as an invitation to debate. Luther's propositions challenged some portions of Roman Catholic doctrine and a number of specific practices. The movement quickly gained adherents in the German states, the Netherlands, Scandinavia, Scotland, and portions of France. Support came from sincere religious reformers, while others manipulated the movement to gain control of valuable Church property. The term Protestant was not initially applied to the reformers, but was later used to describe all groups protesting Roman Catholic orthodoxy.

With the Jesuits in the forefront, the Church responded with a Counter-Reformation that led to warfare, especially in Central Europe, the battleground between the fiercely Catholic south and the ideologically Protestant north. The warfare ended with the 1648 Treaty of Westphalia that brought the Thirty Years' War in the Holy Roman Empire and the Eighty Years' War between Spain and the Dutch Republic to a close. War between the two



Catholic states, Spain and France, however, continued for another 11 years until the Treaty of the Pyrenees in 1659.

The Peace of Westphalia formalized the recognition of the Protestant nation-states, and thus any remaining hope of reforming the Roman Catholic Church and rectifying the schism faded. Political (racial) self-determination and exclusivism forced a new religious identity on the new Protestants, whose second major political act after Westphalia was to separate from Roman Catholicism, resulting in Lutheran churches in Germany, Scandinavia, and some eastern European countries; the Reformed churches in Switzerland and the Netherlands; Presbyterian churches in Scotland; the Anglican church in England; and other diverse elements all of which have evolved into the Protestant denominations of today (source: [http://www.theopedia.com/Protestant\\_Reformation](http://www.theopedia.com/Protestant_Reformation)).

- 121 **AIDS** – acronym for Acquired Immune Deficiency Syndrome; the gravest of the sexually transmitted diseases (STDs). Sexual transmission of the AIDS virus endangers heterosexual men and women as well as high-risk groups, such as homosexual and bisexual men, prostitutes, intravenous drug users sharing needles, and hemophiliacs and surgical patients treated with contaminated blood products. The virus has a short life outside the body, which makes transmission of the infection by methods other than sexual contact, blood transfusion, and shared syringes highly unlikely.

The estimated incubation period of the virus is 9.8 years. Some AIDS victims die within a few months of the outbreak of symptoms, some survive for several years; roughly 50% are dead within three years. In the US, attempts to carry out clinical trials of HIV vaccines on HIV-positive pregnant women were started in the early-1990s in the hope that they might prevent the transmission of the virus to the fetus.

Recent evidence indicates that the presence of other diseases, especially syphilis, is linked to the full-blown development of AIDS (for greater detail, refer also to the discussion on sexually transmitted diseases starting on p. 220 of this volume).

- 122 **Samuel Auguste André David Tissot** (1728–1797) – an acclaimed Swiss physician, neurologist, professor, and advisor to the Vatican. He was recognized as the classical authority of migraine headaches, devoting a chapter to it in his book *Traité des nerfs et de leurs maladies* (*Treatise on the Nerves and Nervous Disorders*), and he also published a medical treatise on the ill effects of masturbation, *L'Onanisme* (*Onanism*, 1760), in which he argued that semen was an “essential oil” that, when lost in great amounts, would cause a great number of disorders including headaches, loss of appetite, incontinence, gout, rheumatism, sexual dysfunction, blurred vision, loss of memory, and mental illness. He was best known for his work, *Avis au peuple sur sa*

*santé* (*Notice to People about Their Health*, 1761), which was regarded as the greatest medical work of the 18th century.

123 **William Acton** (1813–1875) – British medical doctor known for his books on masturbation, the best known of which is *The Functions and Disorders of the Reproductive Organs, in Childhood, Youth, Adult Age, and Advanced Life: Considered in Their Physiological, Social, and Moral Relations* (1957). Acton was a proponent of the *closed-body system*, in which the human body was considered to possess only a finite cache of energy, sexual and otherwise, and thus he believed masturbation to be dangerous because it diminished and wasted the body's energy. He was also of the opinion that women were by nature sexually frigid; in fact, he said, “As a general rule, a modest woman seldom desires any sexual gratification for herself. She submits to her husband's embraces, but principally to gratify him...”<sup>a</sup> Well ahead of his time and almost alone in his view, he also held that most women turn to prostitution, not to satisfy a lustful desire, but chiefly as a means to supplement lower wages so as to make ends meet.

a William Acton, *The Functions and Disorders of the Reproductive Organs in Childhood, Youth, Adult Age, and Advanced Life: Considered in Their Physiological, Social, and Moral Relations*, 3rd Edition. (London, United Kingdom: Churchill, 1862), p. 102.

124 **Thomas Robert Malthus** (1766–1834) – economist, born near Dorking, Surrey, United Kingdom. He studied at Cambridge, was ordained in 1797, and in 1798 published anonymously his *Essay on the Principle of Population*, which argued that the population has a natural tendency to increase faster than the means of subsistence, and that efforts should be made to cut the birth rate, either by self-restraint or birth control — a view that later came to be known as Malthusianism. In 1805 he became professor of political economy in the East India College at Haileybury, where he wrote *Principles of Political Economy* (1820) and other works, including *The Measure of Value, Stated and Illustrated* (1823).



125 **vulcanization** – a chemical process that converts natural rubber or related polymers into a more durable material via the addition of sulfur or other equivalent “curatives.” These additives strengthen the original polymer by allowing for the formation of crosslinks between individual polymer chains. Vulcanized material is less sticky and has superior mechanical properties to natural rubber, which deforms when warm and becomes brittle when cold. A vast array of products are made with vulcanized rubber including tires,

shoe soles, hoses, and hockey pucks. The process is named after Vulcan, the Roman god of fire.

126 **Annie Besant** (1847–1933) – English socialist and feminist activist. Separated from her clerical husband in 1873 because of her liberal views, she was associated with the radical atheist Charles Bradlaugh and the socialist Fabian Society. She and Bradlaugh published a treatise advocating birth control and were prosecuted; as a result she lost custody of her daughter. In 1889 she became a disciple of Madame Blavatsky, and thereafter preached theosophy, mostly in India. As a supporter of Indian independence, she founded the Central Hindu College in 1898 and the Indian Home Rule League in 1916, and became president of the Indian National Congress in 1917. Her *Theosophy and the New Psychology* was published in 1904.

127 **Ruth Benedict** (1887–1948) – one of the more accomplished American female anthropologists, she was a student and disciple of Franz Boas, considered by many to be the father of American anthropology. She was also a contemporary of another student of Boas, Margaret Mead, with whom she collaborated on many research and analytical projects. Much of Boas' philosophic approach to different cultures and races is reflected in Benedict's work. Her most famous work was *Patterns of Culture* (1934), in which she expounded on her belief in *cultural relativism*: that each culture has its own moral imperatives, which can only be understood by studying that culture as a whole. Because of this belief, she felt that morality was relative to the values of the culture in which one operated, and that it would be a mistake to evaluate other cultures by using one's own culture as a reference point. Benedict was also a prominent member of the American Folklore Society.

**Margaret Mead** – refer to Endnote 42 in Volume 3.

128 **Bronislaw Kasper Malinowski** (1884–1942) – considered to be one of the most important anthropologists of the 20th century. Born in Krakow, Poland, he studied at Krakow and Leipzig, and then went to London in 1910. He taught at the London School of Economics, becoming a professor in 1927. While he was teaching in London, he began to go abroad and study the Trobriand Islanders' way of life (1915). In 1938 he moved to the US, where he accepted a post at Yale. His most famous work is *Argonauts of the Western Pacific* (1922), in which he established the value of *participant observation* as a method of inquiry, and *functionalism* as a theory, elucidating the complex network of social relationships that sustained life in the Trobriand Islands.<sup>a</sup>



a **Trobriand Islander** – a Melanesian<sup>b</sup> people of the scattered Trobriand Islands, off New Guinea; they are cultivators who are famous for their ceremonial gift exchange system, the *kula*.

b **Melanesia** – one of the three broad geographical-cultural areas of the Pacific. It includes the islands of New Guinea, the Solomons, Vanuatu, and New Caledonia. The peoples of Melanesia typically have dark skin, kinky hair, large jaws, and a high incidence of blood type B. Numerous languages are spoken among them. The name comes from the Greek words *melas* (black) and *nesos* (island).



129 Alan Barnard and Jonathan Spencer, *Encyclopedia of Social and Cultural Anthropology*, p. 757.

130 Ibid.

131 Ibid., pp. 757–58.

132 Ibid.

133 Information on STDs obtained from the following sources:

Gene Antonio, *The AIDS Cover-up? The Real and Alarming Facts About AIDS*. (San Francisco, California: Ignatius Press, 1986);

Mark H. Beers, Andrew J. Fletcher, Robert Porter, Michael Berkwits, and Justin L. Kaplan (editors), *The Merck Manual of Medical Information, 2nd Edition*. (Whitehouse Station, New Jersey: Merck & Co., 2003);

Dan Smith and Ane Bræin (editors), *The Penguin “State of the World” Atlas, 7th Edition*. (New York, New York: The Penguin Group, 2003);

Paul Barry Clarke and Andrew Linzey (editors), *Dictionary of Ethics, Theology, and Society*. (New York, New York: Routledge, 1996).

134 Ibid.

135 Ibid.

136 Ibid.

137 Sexual transmission of HIV-1 may be facilitated by the presence of genital lesions caused by syphilis, herpes, chlamydia, and trichomoniasis. Lesions on the genitals provide an opening in the skin or genital membranes by which HIV-1 escapes from the infected person and enters the uninfected partner during sexual contact. Injury to the lining membranes of the rectum during anal intercourse can also provide an opening for HIV.

The rate of progression of HIV is directly related to the rate at which the virus destroys the blood lymphocytes responsible for defending the body against infection by microbes. The rate of HIV-2 disease progression is slower than HIV-1. It appears that a good mental and physical state of health may affect both longevity and the quality of life after the diagnosis of HIV infection. It is important to avoid emotional stress and strenuous physical exercises, eat a well-balanced diet, abstain from illicit drug use, and be seen at regular intervals by medical personnel experienced in the care of HIV-infected persons. Most urban centers in North America have support groups for persons with HIV infection and AIDS. Studies of HIV-infected American soldiers and sailors have shown that many have been able to continue working even when most of their CD4 lymphocytes have been destroyed.

138 Ibid.

139 Mark H. Beers, Andrew J. Fletcher, Robert Porter, Michael Berkwitz, and Justin L. Kaplan, *The Merck Manual of Medical Information, 2nd Edition*, pp. 1176–84.

140 Ibid.

141 Ibid.

An infant delivered through an infected birth canal has a good chance of having its eyes contaminated with infected maternal secretions and developing an eyesight-threatening gonococcal eye infection (ophthalmia neonatorum) in the first week of life, or a less serious eye infection and pneumonia if infected with chlamydia. Antibiotic eye ointments are given routinely after birth to prevent these eye infections, but chlamydia-induced pneumonia may still develop within the first three months of life and require additional antibiotic treatment.

142 Ibid.

Sexually transmitted chlamydia can cause the further venereal disease, lymphogranuloma tenerum. This disease involves the lymphatic tissues, causing painful enlargement of the lymph nodes in the groin or the lining of the rectum and colon. Fever accompanies the swelling of lymph nodes and this condition may resemble a blocked hernia. Treatment requires an extended course of antibiotics — and this in and of itself causes other health problems.

143 Ibid.

The primary syphilitic lesion is the *chancre* — a circular, painless, and firm lesion that appears at the site of the invasion. A chancre may appear anywhere on the lips, mouth, tongue, nipples, rectum, or genitalia, from 9–90 days after infection. Lymph nodes near the chancre are usually enlarged but not painful. The chancre heals spontaneously in 6–10 weeks, and a quiescent period of time, lasting from six weeks to six months, passes before the symptoms and signs of secondary syphilis appear.

These secondary signs manifest because the blood and lymphatic systems convey the infectious microbes from the infection site to every organ and tissue of the body. The most visible lesions are non-painful skin rashes of various types, which often appear on the palms and the soles, do not itch, and heal without scars. Soon after secondary lesions heal, another quiescent period ensues. This period can last a lifetime, but late, tertiary lesions can also appear after a period of years.

Late syphilitic lesions can destroy normal skin, bone, and joints by ulceration and scarification. Tertiary syphilis attacks the nervous system by interrupting the blood supply to the brain and nervous tissue, or by replacing normal tissue with tumor-like masses. Treatment with a long-acting, injectable form of penicillin is said to be curative when given to patients with primary, secondary, and latent syphilis. However, the nervous tissue, heart, skin, and bone damage of tertiary syphilis cannot be reversed by penicillin therapy.

144 Ibid.

The likelihood that a person will transmit the hepatitis B virus to a sexual partner varies, depending on age, sexuality, number of sexual contacts, and whether the person has had other sexually transmitted diseases. It is said to occur in 0.5% of the general population. In a population of people being treated in a sexually transmitted diseases clinic, the virus has been found in as many as 20% of heterosexuals who have been with more than 50 sexual partners. In the male homosexual community, more than 4% are infected and capable of transmitting the disease.

145 Ibid.

146 Ibid.

147 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr*, Volume 5, p. 28 (quoted from *Shī'ab al-Imān* by al-Bayhaqī).

148 **AT&T divestiture** (1984) – after a ten year battle, a victory in the antitrust case filed by the US Department of Justice in 1974, the *United States versus AT&T*, led to the breakup of the old American Telephone and Telegraph Company (AT&T) into seven Regional Bell Operating Companies, or “Baby Bells,” and the much smaller new AT&T, which was cut down to 30% of its original size. In the early-1970s, the US Federal



Communications Commission (FCC) suspected that AT&T was using monopoly profits from its equipment manufacturing subsidiary, Western Electric, to subsidize the costs of its network, which was against US antitrust law.

At its height in 1974, AT&T was the largest corporation in the world, with revenues exceeding \$26 billion, and accounting for 1.4% of the total US gross domestic product. The next largest enterprise, General Motors, was only one-third its size, dwarfed by AT&T's \$75 billion in assets, 100 million customers, and 1 million employees. The milestone achievements of its research and development wing, Bell Labs, include the transistor, the laser, the solar cell, fiber optics, and satellite communications.

AT&T was in effect a government sponsored and protected monopoly — a hybrid between a publicly-owned utility and a for-profit enterprise. While its rate structures and communication policies were subjected to government regulations, the rest of its operations were not under any state or federal oversight. Although the internal inertia and over-reliance on its own Bell Labs made AT&T slow to respond to emerging new technologies, what was a major factor in the divestiture was AT&T's long-standing policy of subsidizing low- or below-cost residential service with exorbitantly high-cost long-distance service. This policy served the company well for a long time because voters using AT&T's inexpensive residential services far outnumbered the relatively few voters using the company's rather expensive and simultaneously exclusive long-distance services. The residential voters could then be counted on to vote into office those local and federal representatives who would legally allow AT&T to maintain its communications monopoly. This did not sit well with the 1% who owned the largest multinational corporations, who were doing business in many international markets, and who had to pay the high long-distance rates that were subsidizing the low-cost res-

idential services. These corporations, acting through their lobbyists and confidence men in the legislature, ultimately put pressure on the FCC to develop a case against AT&T, with the result that the first major companies given access to threaten AT&T's monopoly in the years leading up to the divestiture — companies like MCI and Sprint — were in the long-distance market.

- 149 **Karl Heinrich Marx** (1818–1883) – founder of modern international communism; born in Trier, Germany, the son of a Jewish lawyer. He studied law at Bonn and Berlin but took up history, Hegelian philosophy, and Feuerbach's materialism. He edited a radical newspaper, and after it was suppressed, moved to Paris (1843) and then Brussels (1845). There, with Engels as his closest collaborator and disciple, he reorganized the Communist League, which met in London in 1847. In 1848 he finalized the *Communist Manifesto* (1848), attacking in it the state as the instrument of oppression, and religion and culture as ideologies of the capitalist class. He was expelled from Brussels, and in 1849 settled in London, where he studied economics, and wrote the first volume of his major work, *Das Kapital* (1867). He died in London, with this work unfinished (refer also to Endnote 42 in Volume 2).



- 150 *Lumpenproletariat* was a term coined by Marx to refer to the underclass in big cities from whom class identification could not be expected.

- 151 **Emile Durkheim** (1858–1917) – French sociologist, one of the founders of modern secular sociology, who also influenced social anthropology. He worked to establish sociology as a respectable and scientific discipline, capable of diagnosing social ills and recommending possible cures. He was the first lecturer in social science at Bordeaux University (1887–1902), professor of education at the Sorbonne in Paris from 1902, and the first professor of sociology there in 1913. He examined the bases of social order and the effects of industrialization on traditional social and moral order.



His four key works include (1) *De la division du travail social* (*The Division of Labor in Society*, 1893), comparing social order in small-scale societies with that in industrial ones; (2) *Les Regles de la methode* (*The Rules of the Sociological Method*, 1895), outlining his own brand of functionalism and proclaiming positivism as the way forward for sociology as a science; (3) *Suicide* (1897), commenting on the social causes of this apparently individual act; and (4) *Les Formes elementaires de la vie religieuse* (*The Elementary Forms of Religion*, 1912), a study of the beliefs of Australian Aborigines, showing the place of religion in social solidarity (refer also to Endnote 38 in Volume 4).



- 152 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr, Volume 5*, p. 31 (refers to scholars such as Ibn 'Abbās and al-Ḥasan al-Baṣrī).
- 153 Narrated by Abū Hurayrah and recorded by Imams Muslim and al-Bukhārī.  
اجتنبوا السبع الموبقات . قالوا : يا رسول الله : وما هن ؟ قال : الشرك بالله . والسحر . وقتل النفس التي حرم الله إلا بالحق . وأكل الربا . وأكل مال اليتيم . والتولي يوم الزحف . وقذف المحصنات المؤمنات الغافلات .
- 154 Narrated by Abū Hurayrah and recorded in the Ṣaḥīḥ of Imam Muslim.  
الصلوات الخمس . والجمعة إلى الجمعة . ورمضان إلى رمضان . مكفرات ما بينهن . إذا اجتنب الكبائر .
- 155 **Penance** – a Roman Catholic sacrament in which a member of the Church confesses sins, is given absolution, and performs works (or administers self-inflicted punishment) in atonement for sin. Penance is understood by some Christians nowadays in terms of good deeds rather than a routine repetition of prayers.
- 156 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr, Volume 5*, p. 42 (originally recorded by al-Tirmidhī and al-Ḥākim).
- 157 Ibid., p. 43.
- 'Abdullāh ibn 'Abbās ibn 'Abd al-Muṭṭalib** – belonged to Banū Hāshim, a major sub-clan of the Quraysh; known as *ḥabr al-ummah* (the Ummah's erudite) and also as *tarjumān al-qur'ān* (the Qur'an's interpreter). He was born three years before the Hijrah, became a Muslim at a very young age, kept company with the Prophet (ﷺ), and narrated a number of hadiths. *Al-khilāfah al-rāshidah* esteemed him, and he fought alongside 'Alī ibn Abī Ṭālib at both the Battles of al-Jamal and Ṣiffīn. He spent much of his time teaching different subjects on successive days: fiqh, *ta'wīl* (the profound meanings of the Qur'an), a chronicle of Islamic military affairs, poetry, and history. He became blind toward the end of his life and died in al-Ṭā'if 68 years after the Hijrah.
- 158 **Civil Rights Act of 1964** – landmark legislation in the US that outlawed major forms of discrimination against African Americans and women, including racial segregation. It ended unequal application of voter registration requirements and racial segregation in schools, at the workplace and by facilities that served the general public. It received a 73–27 vote in the Senate and a 289–126 vote in the House of Representatives; it was signed into law by President Lyndon B. Johnson. This marked the only time Reverend Martin Luther King and Malcolm X ever met in person; both appeared to listen to the Senate deliberations on the proposed legislation.

**Civil Rights Act of 1968** – a follow-up to the Civil Rights Act of 1964, it is also known as the Indian Civil Rights Act of 1968. This act provided federal enforcement provisions, expanding on previous acts that only (legally) prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, and since 1974, gender; since 1988, the act protected people with disabilities and families with children. It also provided protection for civil rights workers. The act was signed into law, also by President Lyndon B. Johnson.

**Voting Rights Act of 1965** – landmark legislation in the US, outlawing discriminatory voting practices that had been responsible for the widespread disenfranchisement of African Americans. Specifically, the act prohibited states from requiring potential voters to pass literacy tests in order to qualify to register for voting purposes, a principal means by which the southern states had prevented African Americans from participating in elections. The act also established federal oversight in the administration of federal, state, and local elections. It passed with a 77–19 vote in the Senate and a 333–85 vote in the House of Representatives, and was signed into law by President Lyndon B. Johnson.

159 **Mary Wollstonecraft** (1759–1797) – British author and advocate of women’s rights; considered to be one of the founding feminist philosophers. She wrote on many subjects including children and a history of the French Revolution, but she is best remembered for *A Vindication of the Rights of Woman* (1792), in which she says that women, who are rational beings just like men, are misrepresented as inferior because of a lack of education. She was a rationalist who imagined a social order based on reason. Until the last 40 years, in which her work has experienced a sort of “second coming,” her troubled personal relationships had eclipsed her scholarship; she was married in her final years to anarchist philosopher William Godwin, and died prematurely at the age of 38, 10 days after her second daughter, iconic author Mary Shelley, was born.

**Emmeline Pankhurst** (1858–1928) – leader of the British suffragette movement, which helped women over the age of 30 win the right to vote in the United Kingdom in 1918. She founded the Women’s Social and Political Union (WSPU), an all-women suffrage advocacy organization in 1898, which was later criticized for some of its militant tactics, such as arson, attacking police officers, and hunger striking in prison. After securing the right to vote, she transformed the WSPU machinery into the Women’s Party, which was dedicated to promoting equality in public life. Even though she had some socialist leanings in her youth, attempting once to join the Independent Labour Party, these may have been largely opportunistic as both had

common objectives. In her final years, as a reluctant member of the Conservative Party, she had begun to speak out against the dangers of Bolshevism.

**Susan Bromwell Anthony** (1820–1906) – born in a strict Quaker family, the second of eight children, she was encouraged by her father to be well-educated and to hold to principled convictions. Joining the temperance movement, which dealt with the abuses of women and children who suffered from alcoholic husbands, sparked her lifelong commitment to social activism. In 1851, while attending anti-slavery (abolition) meetings in Syracuse, New York, she met Elizabeth Cady Stanton, with whom she built an enduring friendship and working relationship. Until the end of the US Civil War, she worked primarily as an abolitionist, serving as a member of the American Anti-Slavery Society. Afterward, she collaborated with Stanton in the liberal weekly publication, *The Revolution* (1868–1870), which advocated among other things equal wages for women. As she got older, Anthony continued to move further away from organized Christianity in general; by the 1880s, she had become an agnostic.

In 1872, Anthony demanded that women be given the same civil and political rights that had been extended to African American males under the 14th and 15th amendments. In attempting to cast a vote, she was arrested several times, and deftly used the opportunity to bring attention to the cause of women's suffrage. From 1869–1906, she campaigned tirelessly, mostly by delivering up to 100 lectures annually, for a federal woman suffrage amendment through the National Woman Suffrage Association, and later through the National American Woman Suffrage Association. Along with Stanton and Matilda Joslyn Gage, she wrote the *History of Woman Suffrage* in four volumes (1881–1902); although Anthony did not live to see the consummation of her efforts for women's suffrage, the enactment of the 19th Amendment to the US Constitution in 1920 is deeply owed to her efforts. She remained single all her life.

**Elizabeth Cady Stanton** (1815–1902) – American social activist, abolitionist, civil rights advocate, speaker, and the chief ideologue behind the early American women's movement for suffrage and equal rights. Well ahead of her time, she addressed inequalities against women beyond parity with men in voting rights: women's parental and custody rights, property rights, employment and income rights, divorce laws, the economic health of the family, and birth control. Even though she regarded herself to be a principled abolitionist, she opposed passage of the 14th and 15th Amendments to the US Constitution on the grounds that women, black and white, deserved to be enfranchised with the same legal protections and voting rights being granted to African American men; her position caused a split in the women's suffrage movement for nearly 20 years.

For a woman at that time, she was well-educated because she valued education, and after her marriage, she lived for a time in Boston, enjoying the company of such luminaries as Ralph Waldo Emerson, Frederick Douglass, and Louisa May Alcott, as well as the intellectual stimulation that came from abolitionists, temperance advocates, and other educators. As an advocate for women's rights, she did not resist motherhood, bearing seven children. While she was involved with the women's movement, by necessity she became a prolific writer, contributing not only to journals, periodicals, and newspapers, such as the *New York Tribune* (as writer) and *Revolution* (as co-editor), but also writing books, position papers, and speeches (often times to be delivered by other women in the movement). Some of her position papers and essays included the *Declaration of Sentiments* (1848), *A Petition for Universal Suffrage* (1866), *Self-government: the Best Means of Self-development* (1884), and *The Degradation of Disenfranchisement* (1892). Her books included the *History of Woman Suffrage, Volumes 1–3* (written with Susan B. Anthony and Matilda Joselyn Gage, 1881–1922), *The Woman's Bible* (1895), and *Eighty Years & More: Reminiscences 1815–1897* (1898).

Unlike her female colleagues, many of whom were either Quakers or conservative Christians, Stanton foreshadowed the positions that would be taken six decades after her death. She felt that organized Christianity relegated women to an unacceptable position in society. She justified this view in *The Woman's Bible*, her most controversial work, which elucidated a feminist understanding of biblical scripture and sought to correct the fundamental sexism Stanton believed was inherent to organized Christianity. In this line of thinking, Stanton advocated divorce rights, employment rights, and property rights for women, in addition to interracial marriage, a radical position that began to see real life in the 1960s.

**Betty Friedan** (1921–2006) – American activist, feminist, and author; one of the leading figures in the Women's Liberation Movement, best known for her book *The Feminine Mystique* (1963), considered to be a cornerstone of American feminism, and as the founder and first president of the National Organization for Women (1966). In analyzing the inherent sexism of Freudian psychoanalysis, she says,

The fact is that to Freud, even more than to the magazine editor on Madison Avenue today, women were a strange, inferior, less-than-human species. He saw them as childlike dolls, who existed in terms only of man's love, to love man and serve his needs. It was the same kind of unconscious solipsism that made man for many centuries see the sun only as a bright object that revolved around the earth. Freud grew up with this attitude built in by his culture — not only the culture of Victorian Europe, but that Jewish culture in which men said

the daily prayer, "I thank Thee, Lord, that Thou hast not created me a woman," and women prayed in submission, "I thank Thee, Lord, that Thou has created me according to Thy will."

Freud's mother was the pretty, docile bride of a man twice her age; his father ruled the family with an autocratic authority traditional in Jewish families during those centuries of persecution when the fathers were seldom able to establish authority in the outside world. His mother adored the young Sigmund, her first son, and thought him mystically destined for greatness; she seemed to exist only to gratify his every wish. His own memories of the sexual jealousy he felt for his father, whose wishes she also gratified, were the basis of his theory of the Oedipus Complex. With his wife, as with his mother and sisters, his needs, his desires, his wishes, were the sun around which the household revolved. When the noise of his sisters' practising the piano interrupted his studies, "the piano disappeared," Anna Freud recalled years later, "and with it all opportunities for his sisters to become musicians."

Freud was not concerned with changing society, but in helping man, and woman, adjust to it... The uncritical acceptance of Freudian doctrine in America was caused, at least in part, by the very relief it provided from uncomfortable questions about objective realities. After the depression, after the war, Freudian psychology became much more than a science of human behavior, a therapy for the suffering. It became an all-embracing American ideology, a new religion. It provided a convenient escape from the atom bomb, McCarthy, all the disconcerting problems that might spoil the taste of steaks, and cars and color television and backyard swimming pools.

While in high school, Friedan was active in Marxist and Jewish circles, saying "[my] passion against injustice... originated from my feelings of the injustice of anti-Semitism." Although she became more comfortable with homosexuality in her later years, she refused to conflate feminism with lesbianism, preferring to accept its sexuality, but not its politicization. She favored a woman's right to choose an abortion, and helped to form the National Abortion Rights Action League (NARAL). Fighting for the rights of not only women, but also showing solidarity with African Americans, it was natural for her to be against America's war in Vietnam. In an autobiographical book, *Life So Far* (2000), she described herself, "The truth is that I've always been a bad-tempered bitch. Some people say that I have mellowed some. I don't know..." and claimed that her husband Carl had beaten her during their marriage. She later backed away from the claim after her husband challenged it as a complete fabrication.

**Kate Millet** (1934–present) – American feminist and author best known for her book, *Sexual Politics* (1970), which she began as a PhD dissertation at Columbia University in New York. The book criticizes patriarchy in Western culture and literature, focusing on the sexism of prominent male authors like D.H. Lawrence, Norman Mailer, and Henry Miller. In the book, she says that the historical degradation of women goes beyond the capacity of conventional institutional politics,

I do not define the political area here as that narrow and exclusive sector known as institutional or official politics of the Democrat or Republican — we have all reason to be tired and suspicious of them. By politics I mean power-structured relationships, the entire arrangement whereby one group of people is governed by another, one group is dominant and the other subordinate.

It is time we developed a more cogent and relevant psychology and philosophy of power relationships not yet considered in our institutional politics. It is time we gave attention to defining a theory of politics which treats power relationships on the less formal than establishmentarian grounds of personal intercourse between members of well-defined and coherent groups — races, castes, classes and sexes. It is precisely because such groups have no representation in formal political structures that their oppression is so entire and so continuous.

In 1979, she went to Iran to promote women's rights, and wrote about her experience in *Going to Iran* (1979). In 1990, she wrote *The Looney-Bin Trip*, describing her incarceration in psychiatric facilities, her bipolar schizophrenia, and her decision to discontinue lithium therapy.

**Gloria Marie Steinem** (1934–present) – iconic American feminist, author, activist, organizer, lecturer, and journalist, who in the late-1960s and early-1970s became an outspoken advocate for the Women's Liberation Movement. She co-founded Ms. magazine and the Women's Media Center, an organization that works to amplify the voices of women in the media through advocacy, media and leadership training, and the creation of original content. Steinem's perspectives on social injustices and the perception that women lacked social and political equality were shaped early in her life by her mother's nervous breakdown at the age of 34. The trauma, which rendered her mother an invalid at a relatively young age, and the ensuing life in and out of mental sanitoriums showed Steinem that women lacked the basic agency to guarantee them the same access to opportunity and social services as men. Steinem was a member of the Democratic Socialists of America, came out against apartheid in South Africa, protested against the

Vietnam War, and supported gay rights. As for her writing, she is acclaimed more for some of her articles — such as *After Black Power*, *Women's Liberation* and *What It Would Be Like If Women Win* — than her books.

Before campaigning actively for the ERA and becoming its national spokeswoman, she worked briefly for a CIA-financed foundation in the late-1950s and early-1960s. Despite the fact that she has publicly denied any further involvement with the CIA, African American revolutionaries claim that she never stopped working for the CIA and has always been an operative; they credit her with creating a hateful brand of black feminism that abhors relationships with black men altogether, so as to create a schism in the anti-establishment black revolutionary program. As evidence of their claims, they cite the following (source: <http://www.whale.to/b/how7.html>):

- Gloria Steinem, who was from a poor and dysfunctional family and lived in a house without running water, was able to attend the elite and expensive Smith College. After she graduated she spent two years in India spying for the CIA. She received a “Chester Bowles Student Fellowship” to “study” in India. This was a Fellowship created by the CIA to cover Steinem’s expenses in India — no one has received a “Chester Bowles Student Fellowship” either before or since Steinem received one.
- One of Gloria Steinem’s first missions for the CIA was to manipulate the student movement. Steinem did this by organizing “student festivals” in Europe in the 1950s and 1960s. Steinem used the “student festivals” to spy on students for the CIA and she likely used the festivals to recruit new agents for the CIA. A second and more successful mission was to shift the orientation of the “woman’s movement” and splinter the Black Revolution of the 1960s.
- When this covert operation was revealed by *Ramparts* magazine in 1967, Steinem told *The New York Times* that she approved the Agency’s role, “I was happy to find some liberals in government in those days who were far-sighted and cared enough to get Americans of all political views to the festival.” Steinem’s definition of a “liberal” then included such young men as Zbigniew Brzezinski, an assistant professor at Harvard. Steinem arranged to fund Brzezinski’s visit to the “student festival.” Brzezinski would later become the National Security Advisor to President Jimmy Carter (1977–1981) and he was the man who invented the so-called “Bear Trap” which suckered the Soviet Union into invading Afghanistan. Brzezinski was also the man who first organized and funded Osama bin Laden’s “Jihad” against the Soviets in Afghanistan.

- An organization of radical white feminists called Redstockings outed Gloria Steinem as a CIA agent. When Redstockings tried to publish a book called *Feminist Revolution* in 1979 with a chapter that detailed Steinem's CIA connections, Steinem and her powerful CIA-connected friends forced Random House to delete the chapter on Steinem. Nevertheless the chapter on Steinem's CIA connections appeared in the *Village Voice* on May 21, 1979, but only after the *Village Voice* had been threatened by Steinem's lawyers... Who were the powerful people who put pressure on Random House, the *Village Voice* and Red Stockings on Steinem's behalf? Katharine Graham, publisher of the *Washington Post* (Graham is a known CIA agent — see the book *Katharine the Great* by Deborah Davis), Franklyn (uncle) Thomas of the Ford Foundation (The Ford Foundation is a documented funnel for CIA funds), and Warner Communications (a Ms. magazine stockholder and CIA propaganda company).

**Germaine Greer** (1939–present) – Australian author, feminist, and professor of early modern English literature, best known for her first book, *The Female Eunuch* (1970). In her book, she describes the radical feminism of the 1960s as something that cannot rely on the existing systems to effect change,

The new emphasis is different. Then genteel middle-class ladies clamored for reform, now ungentle middle-class women are calling for revolution. For many of them, the call for revolution came before the call for the liberation of women. The New Left has been the forcing house for most movements, and for many of them liberation is dependent upon the coming of the classless society and the withering away of the state. The difference is radical, for the faith that the suffragettes had in the existing political systems and their deep desire to participate in them have perished. In the old days ladies were anxious to point out that they did not seek to disrupt society or to unseat God. Marriage, the family, private property and the state were threatened by their actions, but they were anxious to allay the fears of conservatives, and in doing so the suffragettes betrayed their own cause and prepared the way for the failure of emancipation. Five years ago it seemed clear that emancipation had failed: the number of women in Parliament had settled at a low level; the number of professional women had stabilized as a tiny minority; the pattern of female employment had emerged as underpaid, menial and supportive. The cage door had been opened but the canary had refused to fly out. The conclusion was that the cage door ought never to have been opened because canaries are made



for captivity; the suggestion of an alternative had only confused and saddened them.

Currently she sees the liberation of women as more important than equality with men, arguing that liberation means embracing gender differences in a positive fashion, and struggling for a woman's freedom to define her own values, order her own priorities, and determine her own fate. Although she regards reality to supersede ideology, she considers herself to be an anarchist and a Marxist.

**160 Equal Rights Amendment (ERA)** – promoted by Alice Paul and the National Women's Party, the ERA to the US Constitution was first proposed in the US Congress in 1923. But it was opposed by many of those who had worked to pass the 19th Amendment (women's suffrage) in 1920. The 1923 version, which would have eliminated protective legislation that for years reformers had sought to protect female industrial workers, had just two articles: (1) men and women shall have equal rights throughout the United States and every place subject to its jurisdiction; and (2) Congress shall have power to enforce this article by appropriate legislation. Despite the drawbacks, Paul was determined that women should be treated as individuals under the law just as men were, not as a class subject to mass governmental regulation.

It was not until 1972 that the current version (below) of the ERA was passed by the Senate and sent onto the states for ratification,

**Section 1.** Equality of Rights under the law shall not be denied or abridged by the United States or any state on account of sex.

**Section 2.** The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

**Section 3.** This amendment shall take effect two years after the date of ratification.

The legacy of the civil rights' victories in the 1960s seemed to assure the amendment's passage. Even though 22 states ratified it in the first year, 35 states ratified it by 1982, and most national polls indicated that a majority of Americans were in favor of it, the proposed amendment failed, in ten years of effort, to capture the ratification of the needed 38 state legislatures. Ironically, the most vociferous and public opponent of the ERA was herself a woman, Phyllis Schlafly, who together with conservative Protestants, Catholics, Mormons, and Jews succeeded in equating the ERA with sexual permissiveness, legalized abortion, institutional child care, and homosexuality, drawing the debate away from the constitutional principal of equality to issues of "tradi-

tional family values.” Many opponents also felt that the amendment would give men a greater license to abandon family responsibilities.

Proponents of the amendment, such as the National Organization for Women (NOW), still say that it is important for women to have a constitutional basis for legal and civil protection, “The Equal Rights Amendment is essential because, without clear acknowledgement of women’s right to equal protection of the law, sex discrimination is not unconstitutional. Legal discourse about ‘standards of review’ ultimately must yield to the bleak reality that hard-won laws against sex discrimination do not rest on any constitutional foundation and can be enforced fully, inconsistently, or not at all. Women seeking enforcement of these laws must not only convince the court that discrimination has occurred, but that it matters.” NOW’s strategy is to campaign for and obtain the ratification of only three more states, suggesting that the existing 35 ratifications should stand because precedent regarding state rescissions shows that such actions have not been accepted as valid. Other than Arizona, Utah, Nevada, and Illinois, the states refusing ratification are the southern states that were part of the confederacy during the US Civil War (source: <http://www.now.org/nnt/01-94/era.html>).

- 161 **Walter “Fritz” Mondale** (1928–present) – US Senator for Minnesota (1964–1976); vice president in the Jimmy Carter administration (1977–1981); Democratic nominee for US president (1984), who lost to Republican incumbent, Ronald Reagan, in a landslide (Reagan won the highest number of electoral votes in US history: 525).

**Geraldine Anne Ferraro** (1935–2011) – attorney, advocate against sex crimes, domestic violence, and child abuse; member of the US House of Representatives (1978–1984); and first female vice presidential candidate representing either the Republican or Democratic Parties, as part of the Walter Mondale ticket in 1984. Despite being the first woman in that role, she and Mondale both failed to get a majority of women to vote in their favor, as Reagan still captured 55% of the female vote.

- 162 **Equal Pay Act of 1963** – signed into law by President John F. Kennedy as part of his New Frontier Program, it amended the Fair Labor Standards Act to abolish wage discrimination based on a person’s sex. In particular, the most pertinent clause of the act states,

No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in

such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *provided*, that an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

In passing the new legislation, the US Congress declared its intent and purpose based on findings that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex (1) depresses wages and living standards for employees necessary for their health and efficiency; (2) prevents the maximum utilization of the available labor resources; (3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce; (4) burdens commerce and the free flow of goods in commerce; and (5) constitutes an unfair method of competition (source:<http://www.eeoc.gov/laws/statutes/epa.cfm>).

**Equal Credit Opportunity Act of 1974** – prevented creditors from discriminating against any applicant, with respect to any aspect of a credit transaction, on the basis of race, color, religion, national origin, sex, marital status, or age. In outlining the purpose of the act, section 202.1b says,

The purpose of this regulation is to promote the availability of credit to all creditworthy applicants without regard to race, color, religion, national origin, sex, marital status, or age (provided the applicant has the capacity to contract); to the fact that all or part of the applicant's income derives from a public assistance program; or to the fact that the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The regulation prohibits creditor practices that discriminate on the basis of any of these factors. The regulation also requires creditors to notify applicants of action taken on their applications; to report credit history in the names of both spouses on an account; to retain records of credit applications; to collect information about the applicant's race and other personal characteristics in applications for certain dwelling-related loans; and to provide applicants with copies of appraisal reports used in connection with credit transactions.

The regulation applies to all persons who are creditors, defined as a person who, in the ordinary course of business, regularly participates in the decision

of whether or not to extend credit, and includes a creditor's assignee, transferee, or subrogee who so participates. The act also delineated rules concerning the taking of applications, the evaluation of applications, and the extensions of credit (source: <http://www.cardreport.com/laws/ecoa.html>).

163 The original US Supreme Court opinion as well as dissent for the *Rostker versus Goldberg* case can be sourced from the Legal Information Institute of the Cornell University Law School, [http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0453\\_0057\\_ZS.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0453_0057_ZS.html)

164 More views on the male-female complex can be found in the following:

Sheila D. Collins, *A Different Heaven and Earth: A Feminist Perspective on Religion*. (Valley Forge, Pennsylvania: Judson Press, 1977);

Mary Daly, *Beyond God the Father: Toward a Philosophy of Women's Liberation*. (Boston, Massachusetts: Beacon Press, 1973);

Mary Daly, *The Church and the Second Sex*. (Boston, Massachusetts: Beacon Press, 1968);

Elisabeth Schüssler Fiorenza, *Bread Not Stone: The Challenge of Feminist Biblical Interpretation*. (Boston, Massachusetts: Beacon Press, 1995);

Elisabeth Schüssler Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins*. (Chestnut Ridge, New York: The Crossroad Publishing Company, 1994);

Nancy A. Hardesty, *Women Called To Witness: Evangelical Feminism*. (Knoxville, Tennessee: University of Tennessee Press, 1984);

Paul K. Jewett, *Man as Male and Female: A Study in Sexual Relationships from a Theological Point of View*. (Grand Rapids, Michigan: Eerdmans Publishing Company, 1975);

Rosemary Radford Ruether, *New Woman, New Earth: Sexist Ideologies and Human Liberation*. (Boston, Massachusetts: Beacon Press, 1995);

Rosemary Radford Ruether, *Sexism and God Talk: Toward a Feminist Theology*. (Boston, Massachusetts: Beacon Press, 1983);

Letty M. Russell, *Human Liberation in a Feminist Perspective — A Theology*. (Philadelphia, Pennsylvania: Westminster Press, 1974);

Letty M. Russell (author and editor) and the National Council of the Churches of Christ in the United States of America (corporate author), *The Liberating Word: A Guide to Nonsexist Interpretation of the Bible*. (Louisville, Kentucky: Westminster John Knox Press, 1977);

Letha Dawson Scanzoni and Nancy A. Hardesty, *All We're Meant to Be: Biblical Feminism for Today*. (Grand Rapids, Michigan: Eerdmans Publishing Company, 1992);

Phyllis Trible, *God and the Rhetoric of Sexuality*. (Philadelphia, Pennsylvania: Fortress Press, 1978).

165 William H. Gentz (editor), *The Dictionary of Bible and Religion*. (Nashville, Tennessee: Parthenon Press, 1986), p. 359.

166 **Friedrich Engels** (1820–1895) – German social and political philosopher; a friend of, and collaborator with Karl Marx on the *Communist Manifesto* (1848) and other key works. His later interpretations of Marxism, and his own philosophical and historical studies such as *The Origin of the Family, Private Property, and the State* (1884), which linked patriarchy with the development of private property, generated such concepts as *historical materialism*. His use of positivism and Darwinian ideas gave Marxism a “scientific” and “deterministic” flavor that would later influence Soviet thinking.



In 1842 Engels' father sent him to work in a cotton factory owned by his family in Manchester, England, where he became involved with Chartism — a 19th-century, working-class, labor movement for political and social reform in the United Kingdom. 1844 marked the beginning of his lifelong friendship with Karl Marx, and together they worked out the materialist interpretation of history (1847–1848), culminating in the *Communist Manifesto*. Returning to Germany during the 1848–1849 revolution, Engels worked with Marx on the *Neue Rheinische Zeitung (New Rhineland Newspaper)* and fought on the barricades in Baden. After the defeat of the revolution he returned to Manchester, and for the rest of his life largely supported the Marx family.

Engels' first book was *The Condition of the Working Classes in England* (1845). He summed up the lessons of 1848 in *The Peasants' War in Germany* (1850) and *Revolution and Counter-Revolution in Germany* (1851). After Marx's death, Engels was largely responsible for the wider dissemination of his ideas; he edited the second and third volumes of Marx's *Das Kapital* (1885 and 1894). Although Engels himself regarded his ideas as identical with those of Marx, discrepancies between their works are the basis of many Marxist debates and exchanges.

167 Alan Barnard and Jonathan Spencer, *Encyclopedia of Social and Cultural Anthropology*, pp. 251–61.

168 Ibid.

169 Friedrich Engels, *The Origin of the Family, Private Property, and the State*. (New York, New York: Pathfinder Press, 1972).

170 **postmodernism** – a late-20th-century philosophical movement that evolved in reaction to modernism. In its beginnings, postmodernism started in the arts and architecture as a rejection of the preoccupation of modernism and functionalism with pure form and technique rather than content; that is, it rejected modernism’s desire to simply create new forms for no other purpose than novelty. If modernism is defined as the (Enlightenment) humanist rejection of tradition and authority in favor of reason and natural science that is founded upon the assumption of the autonomous individual as the sole source of meaning and truth where progress and novelty are only within the realm of that which can be objectified, then postmodernism is a rejection of the sovereign autonomous individual with an emphasis upon anarchic collective, anonymous experience — a dissolution of distinctions, the merging of subject and object, self and other.

Accordingly, the postmodern worldview looks at Western society as an outdated lifestyle that is hanging on due to impersonal and faceless bureaucracies. Postmodernists believe that the West’s claims of freedom and prosperity continue to be nothing more than empty promises that have not met the needs of humanity; they protest Western society’s suppression of equal rights and view democratic constitutions as flawed in substance, impossible to uphold, and unfair in principle.

They believe that truth is relative and generally distrust organized religion. For this reason, most of them are typically atheistic or agnostic while some prefer to follow eastern religions (such as Buddhism), their thoughts, practices, and the imperative of harmony with the living Earth. Many are naturalists including humanitarians, environmentalists, and philosophers. Most believe that nationalism builds walls, makes enemies, and destroys Mother Earth; that capitalism creates a “have and have not” society in which the few rich prosper while the mass populace becomes impoverished; and that religion causes moral friction and division among people. Many of them prefer to live under a global, non-political government without tribal or national boundaries — one that is sensitive to socioeconomic equality for all people (source: <http://www.allaboutphilosophy.org/postmodernism.htm>).

171 **Jean-Jacques Rousseau** (1712–1778) – French social philosopher and writer whose *Du contract social* (*The Social Contract*, 1762), emphasizing the rights

of the people over those of the government, was a significant influence on the French Revolution. In the novel *Emile* (1762), he outlined a new theory of education.

Rousseau was born in Geneva, Switzerland. His *Discourses on the Origins of Inequality* (1754), in which he denounced civilized society and postulated the paradox of the superiority of the “noble savage,” gained him distinction and stature. He followed that up with *The Social Contract*, in which he argued that a government could be legitimately overthrown if it failed to express the general will of the people. *Emile* was written as an example of how to elicit the unspoiled nature and abilities of children, based on natural development and the power of example.



Rousseau’s ideas were condemned by philosophers, the clergy, and the public, and he lived in exile in England for a year, supported by Scottish philosopher David Hume until they took exception to each other. He was a contributor to the *Encyclopédie*<sup>a</sup> and also wrote operas. *Confessions*, published posthumously in 1782, was a frank account of his occasionally immoral life and was a founding work of autobiography (refer also to End-note 135 in Volume 1).

- a *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers*a (*Encyclopedia, or a Systematic Dictionary of the Sciences, Arts and Crafts*) – a general encyclopedia published in France between 1751 and 1772, and edited by Denis Diderot and Jean le Rond d’Alembert; it was the first encyclopedia to include contributions from many famous authors and philosophers, and generally represented the thought of the Enlightenment.

172 **cantar** – estimated in and around the Holy Land (the Levant and North Africa) to be approximately 100 pounds (in weight). In bygone times it was said to be 1,200 *ūqiyāḥ*s (one *ūqiyāḥ* of non-gold and non-silver items is said to be 127g). An *ūqiyāḥ* of silver is equivalent to 119g, while an *ūqiyāḥ* of gold is around 29.75g.

173 **common law** – also known as **case law** or **precedent**; law developed by judges through decisions of courts and similar tribunals rather than through legislative statutes or executive branch action. The body of precedent is called “common law” and it binds future decisions. Common law legal systems are in widespread use, particularly in England where it originated in the Middle Ages, and in nations or regions that trace their legal heritage to England as former colonies of the British Empire, including the USA, Malaysia, Singapore, Bangladesh, Pakistan, Sri Lanka, India, Ghana, Cameroon, Canada, Ireland, New Zealand, South Africa, Zimbabwe, Hong Kong, and Australia.

- 174 E.D. Saunders, *Revised Civil Code of Louisiana with Annotations of Hon. A. Voorhies*. (New Orleans, Louisiana: F.F. Hansell & Bro., 1888), p. 432.
- 175 David Crystal (editor), *The Cambridge Encyclopedia, 2nd Edition*. (New York, New York: Cambridge University Press, 1994), p. 775.

The transfer of information between nerve cells (at synapses) is usually by the release of small quantities of transmitter substances. Communication with other body tissues occurs either from the direct release of transmitter substances to the tissue (usually in the presence of some other substance, such as an enzyme) or by the release of hormones into the blood stream (either directly from the nervous system or from endocrine glands under its control). In all activities involving the nervous system, regardless of their complexity, there are three components involved: a receptive or sensory component, an integrative component, and an effector or motor component. In higher animals the integrative component has undergone the greatest development, and forms the major part of the nervous system. In its simplest form, as in coelenterates (radially symmetrical animals having saclike bodies), the nervous system merely consists of a diffuse network of interconnecting cells. With increasing complexity of the organism, the network becomes organized into a longitudinal cord. This is followed by the grouping and centralization of the motor and sensory cells, and the eventual development of a large integrating center (the brain). In mammals the nervous system is divided into central and peripheral parts, both parts working together as a functioning unit: the central part comprises the brain and spinal cord, while the peripheral part comprises the remainder.

- 176 Paul Barry Clarke and Andrew Linzey, *Dictionary of Ethics, Theology, and Society*, pp. 630–34.
- 177 **St. Augustine of Canterbury** (first third of sixth century–604CE) – first archbishop of Canterbury, England. He was dispatched from Rome by Pope Gregory I to convert England to Christianity. He landed at Ebbsfleet in Kent in 597CE, and soon after baptized Ethelbert, king of Kent, along with many of his subjects. He was consecrated bishop of the English at Arles in the same year, and appointed archbishop in 601CE, establishing his see (the seat of authority of a bishop or archbishop) at Canterbury (not the same as St. Augustine of Hippo who lived from 354–430CE).
- 178 **Seneca Falls Convention** (1848) – held in Seneca Falls, New York at the Wesleyan Methodist Church and organized principally by Elizabeth Cady Stanton, Lucretia Mott, and a strong contingent of Quakers (who were the only ones in the US at the time to afford women a measure of equality, espe-



cially with regard to education), it was the first convention dedicated to securing equal rights for women in the United States. Approximately 300 attendees, including about 40 men as well as Frederick Douglass, participated in the proceedings; 100 of them resolved to initiate a social movement on behalf of women to effect change in the male-dominated culture, and to petition the federal and state governments to redress the following grievances, called the *Declaration of Sentiments*,

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

- He has never permitted her to exercise her inalienable right to the elective franchise;
- He has compelled her to submit to laws, in the formation of which she had no voice;
- He has withheld from her rights which are given to the most ignorant and degraded men — both natives and foreigners;
- Having deprived her of this first right as a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides [suffrage was the most controversial of all these declarations, and were it not for an impassioned speech by Frederick Douglass in its favor, it would not have included in the approved resolution];
- He has made her, if married, in the eye of the law, civilly dead;
- He has taken from her all right in property, even to the wages she earns;
- He has made her morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master — the law giving him power to deprive her of her liberty, and to administer chastisement;
- He has so framed the laws of divorce, as to what shall be the proper causes of divorce, in case of separation, to whom the guardianship of the children shall be given; as to be wholly regardless of the happiness of the women — the law, in all cases, going upon a false supposition of the supremacy of a man, and giving all power into his hands;
- After depriving her of all rights as a married woman, if single and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it;

- He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration;
- He closes against her all the avenues to wealth and distinction, which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known;
- He has denied her the facilities for obtaining a thorough education — all colleges being closed against her;
- He allows her in church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church;
- He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated but deemed of little account in man;
- He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and her God; and
- He has endeavored, in every way that he could to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation — in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of these United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and national Legislatures, and endeavor to enlist the pulpit and the press in our behalf. We hope this Convention will be followed by a series of Conventions, embracing every part of the country (source: <http://www.fordham.edu/halsall/mod/senecafalls.asp>).

The convention was viewed by some observers as a revolutionary beginning to the women's rights movement for complete equality with men; at the same time, it was roundly trashed by critics whose opinions were pedalled by the local media. Stanton, undaunted by the media's negative stereotyping,

presented the *Declaration of Sentiments* as a foundational document in the American women's suffrage movement, and she promoted the event as a seminal one in which women and men coalesced to demand the right for women to vote (refer also to Endnote 159 in this volume).

179 **Cold War** – refer to Endnote 289 in Volume 5.

180 **abortion** – the termination of a pregnancy before the fetus is developed sufficiently to survive outside the uterus. Loss of a fetus at a later gestational age is termed *premature stillbirth*. Abortion may be accidental (miscarriage) or deliberate (termination of pregnancy). Methods of deliberate abortion vary according to the gestational age of the fetus. Up to 12 weeks, the cervix is dilated and a suction curette is passed into the uterus to remove its contents. Over 12 weeks, a prostaglandin pessary (diaphragm) is introduced into the vagina, which induces labor, producing a "miscarriage." In 1989 an antiprogesterone pill was introduced in France, under the name RU-486. Within 24 hours of ingestion, it leads to the expulsion of the fetus from the uterus, and can be used at an earlier stage in pregnancy. This pill is also a strong-arm contraceptive when taken up to 72 hours after intercourse.

Abortion as a means of birth control has long been the subject of secularly induced controversy. The argument centers largely upon whether a woman should legally be permitted to have an abortion and, that being so, under what circumstances. Another aspect is whether, and to what extent, the law should protect the fetus. Those who oppose abortion generally believe that human life begins at the moment of conception, when a sperm fertilizes an egg; this is the view held, for example, by the Roman Catholic Church. Those who support unrestricted legal abortion may believe in a woman's right to choose whether she wants a child, and may take into account the large numbers of deaths and injuries from back-street abortions that are thus avoided. Others approve abortion for specific reasons. For example, if a woman's life or health is jeopardized, or if there is a strong likelihood that the child will be born with severe mental or physical disability, then abortion may be recommended. Other grounds for abortion include pregnancy resulting from sexual assault such as rape or incest.

181 Dr. Muḥammad Ḥamīdullāh, *Al-Wathā'iq al-Siyāsiyah fī al-'Ahd al-Nabawī wa-al-Khilāfah al-Rāshidah*, 7th edition. (Beirut, Lebanon: Dār an-Nafā'is, 2001), p. 228.

أما بعد أيها الناس إن لنسائكم عليكم حقا ولكم عليهن حق. لكم عليهن أن لا يوطئن فرشكم غيركم ولا يدخلن أحدا كرهونه بيوتكم إلا بإذنكم ولا يأتين بفاحشة. فإن فعلن فإن الله قد أذن لكم أن تعضلوهن وتهجروهن في المضاجع وتضربوهن ضربا غير مبرح. فإن انتهين وأطعنكم فعليكم رزقهن وكسوتهن بالمعروف واستوصوا بالنساء خيرا فإنهن عندكم عوان لا يملكن لأنفسهن شيئا. وإنكم إنما أخذتموهن بأمانة الله واستحللتم فروجهن بكلمة الله فاتقوا الله في النساء واستوصوا بهن خيرا \_ ألا هل بلغت اللهم فاشهد.

182 Narrated by Jābir ibn ‘Abdillāh and recorded by al-Jaṣṣāṣ in *Aḥkām al-Qur’ān*; a similar hadith is also recorded by al-Ṭabarī.

اتقوا الله في النساء . فإنكم أخذتموهن بأمانة الله . واستحللتم فروجهن بكلمة الله . وإن لكم عليهن أن لا يوطئن فرشكم أحدا تكرهونه . فإن فعلن فاضربوهن ضربا غير مبرح . ولهن عليكم رزقهن وكسوتهن بالمعروف.

183 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr*, Volume 5, pp. 56–57 (originally quoted by Ibn Jurayj who recorded it from ‘Aṭā’ as well as ‘Abdullāh ibn ‘Abbās).

184 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr*, Volume 5, p. 57 (recorded originally by al-Jaṣṣāṣ in *Aḥkām al-Qur’ān*, Volume 2, p. 189).

**Qatādaḥ ibn Da‘āmah ibn Qatādaḥ al-Sadūsī** – from al-Baṣrah; he was born blind in 61AH. He was a *mufasssīr* of the Qur’ān and so unsurpassed was he as a memorizer of the Hadith that Aḥmad ibn Hanbal referred to him as *the* authority on the Hadith in al-Baṣrah. In addition to his knowledge of the Hadith, Qatādaḥ was also formidable in the Arabic language, vocabulary, Arabian history, and genealogy. He died of the plague in Wāsiṭ in the year 118AH.

185 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr*, Volume 5, p. 57 (recorded originally by Ibn Sa’d and al-Bayhaqī).

186 Narrated by ‘Abdullāh ibn Zam‘ah and recorded by al-Bukhārī and Muslim.  
أيضرب أحدكم امرأته كما يضرب العبد ثم يجمعها في آخر اليوم.

187 Dr. Wahbah al-Zuhaylī, *Al-Tafsīr al-Munīr*, Volume 5, p. 59 (an opinion of Ibn ‘Arabī that was recorded by al-Jaṣṣāṣ in *Aḥkām al-Qur’ān*, Volume 1, p. 424).

188 Narrated by Mu‘āwiyah ibn Ḥaydah al-Qushayrī, and recorded in the Sunan of Abū Dāwūd and the *Musnad* of Aḥmad ibn Hanbal.  
أن تطعمها إذا طعمت وتكسوها إذا اكتسبت ولا تضرب الوجه ولا تقبح ولا تهجر إلا في البيت.

189 Sayyid Quṭb, *Fī Ṣilāl al-Qur’ān*, Volume 2, p. 655 (recorded originally by Abū Dāwūd, al-Nisā’ī and Ibn Mājah).

190 Narrated by Umm al-Mu’minīn ‘Ā’ishah, and recorded in the Sunan of al-Tirmidhī and al-Ṭabarānī.

خيركم خيركم لأهله وأنا خيركم لأهلي.

191 The hadith was recorded by Abū Dāwūd and others, and then requoted and explained by,

Ibn al-Dayba' al-Shaybānī, *Taysīr al-Wuṣūl ilá Jāmi' al-Uṣūl min Ḥadīth al-Rasūl*, Volume 3. (Cairo, Egypt: Al-Maṭba'ah al-Salafīyah, 1346AH).

192 Refer to Endnote 181 in this volume.



# Glossary

**Ahl al-Kitāb** – *Folks of the Book (also People of the Book)*; this expression refers to people who belong or belonged to any of a number of holy books or scriptures that were revealed by Allah (ﷻ) to the Prophets (ﷺ) throughout the course of history. Most notably among them are “Jews” and “Christians” who still have an affinity with or a “working relationship” with the Bible — Old or New Testaments.

**ahzāb** – *confederates, regional confederation of military forces*; usually refers to the alliance of *mushrik* armies that surrounded Madinah during the Battle of al-Khandaq (the Trench), otherwise known as the Campaign of al-Ahzāb.

**amah** – *feminine for ‘abd; a female victim of war (as in a widow or an unmarried woman who is not young enough to be considered an orphan), a female captive (as in a prisoner of war), or a female slave*. Within the context of *mushrik* men engaged in a losing war against the Muslims, these non-Muslim women would have been estranged from their husbands, fathers, or male guardians who were either forced to

flee or were killed in battle; and thus these womenfolk would now fall under the jurisdiction and protection of the Islamic state. Plural for *amah* is *imā'*; refer also to *surrīyah*.

**Anṣār** – *supporters*; in Islamic literature this word has to be understood in context. It could occur in reference to the Almighty or it could be in reference to the Prophet (ﷺ). The word *anṣārī* is the singular of Anṣār.

**'araq** – *the Salvadora persica tree*; plural for 'araq is 'urūq.

**'aṣābah** – *a man's consanguine paternal kindred such as his sons and father's agnatic relatives*; refer to Endnote 37 for a classification of different types of 'aṣābah.

**āyah** – *demonstration, miracle*; this could refer to Allah's (ﷻ) demonstration through revelation, that is, the verse(s) of the generous Qur'an; it can also refer to Allah's (ﷻ) demonstration of power and authority in the course of prophetic and social history (that is, an alteration of physical laws: miracles); and lastly, it could refer to Allah's (ﷻ) demonstration of power as an act of creation. Plural for āyah is āyāt.

**bakhshish** – *bribery, graft (the act of offering something, usually money, to gain an illicit advantage)*.

**ḍaraba** – *literally, to hit, strike, or poke*. Figuratively, in the context of āyah 4:34, it could also mean *to make something happen, to force the issue; to nudge, to jolt; or to initiate a coital encounter*.

**ḍarb** – *hitting, striking, poking, etc. (verbal noun for ḍaraba)*.

**dīn** – *pattern and prototype*; this word is probably one of the most mistranslated words. The usual translation of the word is *religion*. But in a better understanding of Islamic terms the word *dīn* should carry within its meaning a lively prototype and a social system. As



such a *dīn* could be man-made and in denial of Allah (ﷻ) or it may be in conformity with Allah (ﷻ) and in affirmation of Him.

***dīnār*** – a gold coin used as currency at the time of the Prophet (ﷺ) and for many hundreds of years thereafter in the Islamic domain; a modern equivalent of an original Makkan *dīnār* would be approximately 4.25 grams of gold.

***ḍirāb*** – literally, copulating animals; it could also refer to a man initiating sexual intercourse with a wife who no longer has the same feelings of love and attachment that she earlier had for him.

***diyāḥ*** – blood money, indemnity.

***ḍurrah*** – counter-wife.

***fa-idribūhunna*** – and so (if the milder alternatives have failed), then nudge them or jolt them (your wives); or initiate sexual intercourse with them to assess whether the passion and feelings of closeness are still there.

***fa-inkihūhunna*** – and so, consummate your matrimonial love with them (your wives).

***faqīh*** – savant, academician; one who specializes, in particular, in matters that are jurisprudential.

***farīdah*** – a mandatory act that incurs a sin if it is avoided or not done.

***fiqh*** – practical knowledge, legal knowledge, jurisprudence; the moral and legal understanding and interpretation of Islamic norms and laws within a particular generation or set of circumstances.

***fiqhī*** – of or pertaining to *fiqh*.

***ḥabr al-ummah*** – the Ummah's erudite; an appellation given to 'Abdullāh ibn 'Abbās.

**hadith** – a verbal or practical precedent of the Prophet (ﷺ); the simple linguistic meaning of the word is speech.

**al-Hadith** – the full body of hadith literature of the Prophet (ﷺ).

**Hādithah al-Ifk** – literally, the spurious event; this is in reference to the historical incident in which there were rumors in Islamic society that Umm al-Mu'minīn 'Ā'ishah was guilty of adultery.

**ḥalāl** – sanctioned, ritually fit; this word roughly corresponds to the word *kosher* in some of its biblical usage. The word extends over ritual and legal practices.

**ḥarām** – taboo, unauthorized or unlawful; this word is the opposite of *ḥalāl*.

**Hawwā'** – Eve; Adam's wife (ﷺ).

**Hijrah** – the forced departure of Muhammad (ﷺ) from Makkah to Madinah; in a sense it was the Prophet (ﷺ) securing asylum from the Makkan *mushriks* and also his assumption of the role of leader, statesman, and ultimate decision maker, or imam, of the newly established Islamic State in Madinah.

**'iddah** – a woman's prescribed retreat or waiting period (after divorce or husband's death).

**iḍṭaraba** – to disrupt or upset something.

**iḍṭirāb** – incoherent movement or something out of balance.

**iḥṣān** – protection, fortification; in the context of marriage, it refers to chastening or taming the sex drive.

**imān** – secure commitment, covenant; the word is virtually a distillation of *amānah* (trust) and *amn* (security).

**insān** – social being(s), referring to man; intelligent beings who are characterized by their psychosocial nature that fluctuates between acculturation and naturalness (or between assimilation and ignorance), peculiar to human senses and physical constitution.

**inshā'allāh** – if Allah (ﷻ) wills, decrees, or wants.

**'ird** – a woman's honor (her chastity).

**irth** – (mechanism of) inheritance.

**'iṣmaḥ** – marital bond.

**jāhili** – pertaining to jahiliyaḥ (ignocracy); ignocratic.

**jāhiliyaḥ** – an era of governance without God, the age of systemic lack of scriptural guidance; it may be characterized as an “ignocracy” or “idiocracy.” It not only refers to the time preceding Muhammad (ﷺ), but also any time period in which Allah's (ﷻ) *dīn* is overrun by other systems and establishments.

**jihād** – the ultimate effort and sacrifice; it is not holy war. The word has a range of meanings and applications that range from a struggle against the forces of evil within the self to a struggle against the forces of evil within the cosmos.

**Jumu'aḥ** – the assembly day (the sixth day of the occidental week), Friday; the day of the week in which Muslims assemble for their weekly congregational sermon and service.

**kabā'ir** – major or cardinal sins; singular for *kabā'ir* is *kabīraḥ*.

**kāfir** – a contrarian to Allah (ﷻ); every person who enlists in *kufr* becomes a *kāfir*. Plurals are *kāfirūn*, *kāfirīn*, and *kuffār*.

**kalālah** – non-bloodline qualifiers for inheritance.

**al-khilāfah al-rāshidah** – according to the common understanding, it refers historically to the first four leaders/successors to the Prophet (ﷺ): Abū Bakr, ‘Umar ibn al-Khaṭṭāb, ‘Uthmān ibn ‘Affān, and ‘Alī ibn Abī Ṭālib. Alternative historical narratives also include Ḥasan ibn ‘Alī ibn Abī Ṭālib and ‘Umar ibn ‘Abd al-‘Azīz in the same echelon.

**kufr** – denial of Allah’s (ﷻ) authority and power; this becomes a “philosophy” or an “ideology.” There is a mental construct of ideas that argue against Allah (ﷻ) as Sovereign, Lawgiver, and Authority. There may be many expressions of this contrarian hypothesis and political orientation; but one thing in common among all of them — bar none — is their exclusion of Allah (ﷻ) as the Almighty and the ultimate Authority.

**mā malakat aymānukum** – literally, your right-hand domain; refers to those women victims of war who become part of a married Muslim man’s emotional family circle or come under his protective care.

**maḥārim** – immediate family blood-relatives with whom marriage is proscribed; singular of maḥārim is maḥram.

**mahr** – bride-wealth, bride-right, or dowry; an Arabic word that approximates the meaning of the Qur’anic word, ṣadāq.

**masākīn** – people who after their hard labor still fall “under the poverty line;” singular is miskīn.

**masjid** – the place or area of sujūd (prostration); a mosque.

**mawlá** – master, patron, client.

**mawlá al-‘atāqah** – a captive released from bondage, who gains an inheritance relationship with his emancipator when he has no one to inherit him.

**maawlá al-muwālāt** – a contractually declared dependent, who would inherit his patron when he dies.

**mu’ākhāh** – fraternity; strong social bonding between distant people who are unrelated to each other.

**mudārabah** – sleeping partnership; refers to a contract in which a silent partner, who provides cash for an activity undertaken by an active partner, shares in the generated profits according to a pre-existing agreement.

**mufassir** – exegetist; one who explains the meanings of the Qur’an.

**Muhājirūn** – people forced out of their homelands; in particular, these are people who are forced out because of their scriptural convictions, strenuous efforts, and energetic attempts at socializing scripture. Generally in Islamic literature, this term refers to the Prophet’s (ﷺ) companions who made the Hijrah from Makkah to Madinah. The word *muhājir* is singular for Muhājirūn.

**muḥṣanāt** – women fortified by their morality from illicit sexual behavior; singular is *muḥṣanaḥ*.

**munāfiq** – a dual loyalist; those “Muslims” who are outwardly performing their part in a ritual Islam, but when it comes time to honor this Islam in its struggle and sacrifices, they show inclination toward the anti-Islamic camps, states or powers around. They feign Islam, while in reality they owe their allegiance to the representatives of *kufr*.

**mushrik** – an individual(s) and people(s) who actively diminish the authority of Allah (ﷻ) and promote the authority of others. They equate worldly powers with Allah (ﷻ) and they denigrate Allah (ﷻ) as “one among many” deities and authorities. The feminine singular is *mushrikaḥ*; feminine plural is *mushrikāt*.

**muslimāt** – women who have acquiesced to the command and counsel of Allah (ﷻ), and the leadership of the final prophet, Muhammad (ﷺ); singular is muslimah.

**muttaqī** – one who is actively conscious of Allah's (ﷻ) power presence and hence is always on the alert and on the defensive pertaining to Allah (ﷻ); this word should never be translated as pious or fearful, as it is known nowadays.

**nafs** – the bio-self.

**nafs wāhidah** – one living being or one bio-essence.

**nāshizah** – a wife that displays nushūz (see below); plural of nāshizah is nāshizāt.

**nastaghfir-allāh** – we ask Allah (ﷻ) for forgiveness.

**nikāh** – ceremonial and contractual marriage; matrimony, wedlock.

**nisā'** – literally, women; sentimental beings inclined to socialization.

**nushūz** – an attitude of condescension from the wife toward the husband that results in her emotional abandonment of his love and care; the word nushūzahunna refers to the feminine possessive.

**qawwāmūn** – the men who display the quwāmah (see below).

**quwāmah** – the initiative or actuation position.

**Rabī' al-Awwal** – the third month of the Islamic hijrī calendar; the month in which Muhammad (ﷺ) was born.

**Ramaḍān** – the ninth month of the Islamic hijrī calendar; the month of fasting for committed Muslims, and the auspicious month in which the Qur'anic revelation to Muhammad (ﷺ) began.

**Rasūl-Allah** – *the Messenger of Allah* (ﷺ); generally referring to Muhammad (ﷺ).

**ribā** – *usury*; a particular type of nefarious and vicious financial transaction that generates money from lending money.

**rijāl** – *literally, legged humans*; physical beings who are prone to striving (referring to men).

**sabāyā** – *women victims of war or prisoners of war*.

**ṣadāq** – *bride-wealth, bride-right, or dowry*; plural of ṣadāq is ṣaduqāt. See also *mahr*.

**ṣaghā'ir** – *minor sin or infraction*; singular for ṣaghā'ir is ṣaghīrah.

**Ṣaḥīḥs, the Two** – *the compilation of Hadiths collected by al-Bukhārī and Muslim; the two most reliable reference books on hadith*.

**ṣalāḥ** – *expressing a concentrated and devotional relationship with Allah* (ﷻ); Muslims do this five times a day: *Fajr, Zuhr, 'Aṣr, Maghrib, and 'Ishā'*.

**ṣāliḥāt** – *women who sincerely do commendable and meritorious works for the cause of Allah* (ﷻ), *expecting no earthly gratification or reward*; singular is ṣāliḥah.

**sarārī** – *women who are enduring substandard economic conditions along with second-class civic standing in society; war widows or female prisoners of war*. The singular is *surrīyah*.

**shahīd** – *martyr*. The plural is *shuhadā'*.

**shar'ī** – *having to do with the Shari'ah*.

**Shayṭān** – *the Devil, Satan*.

**shighār** – swap marriage in which a man barter a female under his custody with a female under another man’s custody.

**shirk** – the act and implementation of equating or associating others with Allah (ﷻ) as divine and as authority.

**sifāh** – literally, a filthy exchange of bodily fluids (that is, sexual intercourse outside the domain of a nikāh); sexual capriciousness.

**ṣilah al-rahm** – literally, connecting wombs; the nexus of human relations that maintains family contacts and emphasizes family life and values.

**siwāk** – a twig from the *Salvadora persica* tree, usually employed to clean and disinfect the teeth.

**sufahā’** – fools, simpletons, incompetent persons; plural of *safih*.

**sunan** – social laws. This is the word’s Qur’anic meaning in so far as such laws are the pattern of history, human activities, and nature. *Sunan* also refers to a compilation of hadith collected and organized by a *muhaddith*, one who searches hadith literature with a view to organizing and verifying hadiths of the Prophet (ﷺ). It is the plural of *sunnah*.

**Sunnah, the** – the lifestyle pattern of the Prophet (ﷺ); or the final set of social laws imparted by Allah (ﷻ) to humanity through the agency of Muhammad (ﷺ).

**sūrah** – ensemble of a body of themes in the Qur’an; there are 114 *sūrah*s in the glorious Qur’an.

**ta’dilū** – to be fair and just in interpersonal relationships.

**tafsīr** – exegesis; simple interpretation or critical interpretation of the meanings of the Qur’an.



**taqwá** – the feeling and thinking of Allah’s (ﷻ) immediate power presence in the affairs of man that makes a person avoid Allah’s (ﷻ) corrective interference in man’s individual and social life.

**tarjumān al-qur’ān** – the Qur’an’s interpreter; an appellation given to ‘Abdullāh ibn ‘Abbās.

**ta’wīl** – superseding meaning. This word is usually used when the human mind does not have a definitive, graphic, or precise understanding of an *āyah*; the *āyah* is open to competing meanings, thus the superseding meaning, the primary meaning, or the original meaning is referred (at least for the historical interim) to Allah (ﷻ).

**tuqsitū** – refers to people administering social justice by employing institutional mechanisms such as courts, regulations, and legislative action.

**Ummah** – (uppercase reference is always to) the Islamic *ummaḥ*.

**ūqiyāḥ** – a weight measure that is equivalent to 29.75 grams of gold.

**‘uṣbaḥ** – family and clan solidarity; extended family.

**yā ayyuhā al-ladhīna āmanū** – O you who are securely committed; this is a deferential and courteous expression that calls upon the covenant bearing Muslims to fulfill an obligation or launch a duty assignment. This phrase occurs in the Qur’an almost 90 times.

**yatīm** – orphan.

**zawj** – pair/mate, spouse, complement; this can be in reference to the husband or the wife, even though the average person would use it in reference to the husband only. The word *zawjahā* means *its mate* or *complement*.



# General Index

- 1 Chronicles, Book of  
*see* the Bible
- 1 Corinthians, Book of  
*see* the Bible
- 1 Kings, Book of  
*see* the Bible
- 1 Timothy, Book of  
*see* the Bible
- 2 Chronicles, Book of  
*see* the Bible
- 2 Peter, Book of  
*see* the Bible
- 2 Samuel, Book of  
*see* the Bible

## A

- 'Abd al-Rahmān ibn 'Abdillāh ibn Mas'ūd 321
- 'Abdullāh ibn 'Abbās 97, 227, 245, 333, 335, 341, 346, 367, 386
- 'Abdullāh ibn Muḥammad ibn 'Aqīl 333
- 'Abdullāh ibn Salām xiv
- 'Abdullāh ibn Ubayy ibn Sallūl 187
- 'Abdullāh ibn Zam'ah 386
- abolitionist 369
- abortion 36–37, 212, 217, 250, 254, 282, 291, 324, 326, 371, 375, 385
- mifepristone 37
- prostaglandin 37, 385
- Roe versus Wade* case 36, 326
- RU-486 385
- Abraham (عبراني) 53, 140, 333, 336, 347–50
- Hagar 53
- Sarah 53, 140
- Absalom 338
- see also* the Bible
- Abū Bakr 97, 308
- Abū Dāwūd 328, 333, 345, 386–87
- Abu Ghraib, *see* Iraq
- Abū Hurayrah 324, 347, 367
- Abū Qatādah 94
- Abū Qays ibn al-Aslat 149
- Abū Sa'id al-Khudrī 345
- Acceptor of repentance (تائب) 106, 110, 115

- achondroplasia, *see* autosomal disorders
- Acquired Immune Deficiency Syndrome (AIDS) 49, 166, 214, 219–22, 225–26, 326, 335, 359, 362–63
- Gene Antonio 362
- HIV 222, 226, 335, 359
- HIV-1 219–21, 363
- HIV-2 220, 363
- lymphocytes 219–21, 363
- Mycobacterium tuberculosis* 221
- Pneumocystis jirovecii* 220–22
- pneumonia 220–21, 363
- saliva 221, 225
- semen 214, 221, 225, 359
- SIV-1 219
- Toxoplasma gondii* 221
- Acton, William 214, 360
- Acts of the Apostles, Book of
- see* the Bible
- Ādam (آدم) 26
- Adam (آدم) 29, 212
- Adam and Eve (آدم) xxii, 27–28, 132, 318
- Adept, *see* St. Augustine of Hippo
- adoption 49, 100
- adultery xv, 4, 36, 46, 64, 110–14, 118–20, 123–24, 132, 162, 167, 175–77, 188, 211, 240, 321
- adulterer 4, 46, 110, 114
- adulteress 4, 46, 110, 112, 114, 177
- fornication 110–11, 154, 158, 174, 180, 210, 213
- stoning 110, 114
- Advent, the
- see* Christianity
- affirmative action 261–62
- work-force utilization analysis 262
- Afghanistan 193, 373
- Africa 49, 70, 195, 220–22, 285, 349–50
- African xvii, 219, 224, 349–50, 367–68
- Africans 185, 349
- Central Africa 219
- African American 348, 369, 371, 373
- agnostic xiii, 167, 323, 369, 380
- Aḥmad ibn Hanbal 329, 333, 386
- Musnad Imam Aḥmad* 386
- al-Aḥzāb, Battle of 321, 327
- Ā'ishah, Umm al-Mu'minin 321, 328, 386
- alcohol xiv, 237, 349
- Alcott, Louisa May 370
- see also* Elizabeth Cady Stanton
- algotagnia 205
- de Sade, Marquis 355
- masochism 66, 205
- Sacher-Masoch, Leopold von 355
- sadism 205–06
- 'Alī ibn Abī Ṭālib (علي) 97, 367
- All-Knowing (العليم) 99, 110, 139, 156, 199, 273, 302
- All-Knowing, Forbearing (الرحيم) 20, 87
- All-Knowing, Wise (العليم) 20, 87, 95–96, 106, 123, 154–55, 158–59, 174, 179, 200, 202, 226, 228
- Allah's (الله) divinity and authority 3
- Allen, Beverly 350
- see also* rape
- Almighty (العليم) 199
- America xviii, 8, 105, 249, 343, 371–72, 379
- American life 250, 252
- American society 262–63, 284
- American South 185
- American women 284, 369, 385
- Americans xvii, 225, 252, 348, 350, 367–68, 371, 373, 375
- Americas 222, 224, 349
- Central America 11, 349
- Latin America 285
- North America xviii, 106, 197, 220–21, 260, 285, 291, 363
- South America 185, 323
- American Anti-Slavery Society,
- see* Susan Bromwell Anthony
- Ammonites, *see* Lūt (لوط)
- amnesty 3, 126, 128, 202, 239–40
- Amnon 140, 338
- see also* the Bible
- angel of death 124–25
- Anglican(s), *see* Protestant Reformation
- Anthony, Susan Bromwell 250, 369–70
- American Anti-Slavery Society 369
- anthropology 217, 256, 340–41, 361–62, 366, 380
- anthropological 143, 216, 339

- anthropologists 144, 215, 361  
   *see also* Franz Boas, Margaret Mead, and Ruth Benedict  
 social anthropology 366  
   *see also* Emile Durkheim  
 anti-Semitism, *see* Jews  
 antibiotic(s) 219, 223–24, 332, 363–64  
   penicillin 214, 224, 364  
 Antonio, Gene 362  
   *see also* AIDS  
 apartheid 249, 354, 372  
 Aquila and Priscilla 327  
   *see also* the Bible  
 Arabian xi, xiv, xvii, 8, 13, 84, 129, 130, 137, 147, 148, 187, 327, 386  
   Arabian Peninsula xviii, 346, 349  
   Arabia 33, 74, 173, 178, 207, 348  
   Arabian society xi, 13, 84, 129, 130  
   Arabians 6, 33, 90, 173, 347  
 Arabic language x, xxiv, 305, 312–13, 386  
 Arabs xiv, 173, 347  
   Arab world 189  
 'Arafāt, Mount 305  
 Aramaic language 327  
 arbitration 310  
   arbitrator(s) 156, 272–73, 302, 309–10, 317  
 Argentina 65  
 asceticism, *see* Christianity  
 al-Āṣī, Muḥammad Ḥ. iii–iv, xii, xv, xix–xx  
   *The Ascendant Qur'an* iii–iv, xii, xx  
 Asia 70, 219, 221, 285, 343  
   Asia Minor 327  
   South Asian 70  
 al-Aswad ibn Khalaf 148  
 'Aṭā' 386  
 AT&T 231, 365–66  
   AT&T divestiture 365–66  
   Bell Labs 365  
   Western Electric 365  
 Auditors, *see* St. Augustine of Hippo  
 aunts 109, 138, 146, 148, 159  
 Australia 291, 329, 381  
 authority 3, 5, 31, 76, 78, 80, 105, 116–20, 139, 150, 157, 181, 199, 202, 218, 233, 243, 257, 305  
 autism 74, 330–31  
 autosomal disorders 331–332  
   achondroplasia 331–32  
   cystic-fibrosis 331–32  
   autosomes 332  
 'Awf ibn al-Hārith 328  
 al-'Awfī 333  
 Aws ibn Thābit 84  
   Kaḥlah 84  
   Umm Kuḥḥah 333  
   Umm Kujjah 333  
   Khālid and 'Arfaṭah 84  
 Awṭās (Arabian tribe) 169
- B**  
 Babylonia 195  
   Babylonian code of Hammurabi 348  
 Balkans 189  
 Bangash, Zafar xix  
 Bangladesh 11, 381  
 Banī al-Muṣṭaliq, Ghazwah 321  
 baptism, *see* John the Baptist (✠)  
 Barbach, Lonnie 345  
   *see also* romance novels  
 Barnard, Alan 340–41, 362, 380  
 al-Baṣrah 97, 386  
 al-Bayhaqī 365, 386  
   *Shī'ab al-Imān* 365  
 Beauregard, General P.G.T. 347  
   *see also* US Civil War  
 Bell Labs, *see* AT&T  
 Benedict, Ruth 215, 361  
   *see also* anthropology  
 bequest(s) 20, 86–87, 94–99, 103  
 Besant, Annie 361  
   Madame Blavatsky 361  
   Charles Bradlaugh 361  
   Bradlaugh-Besant trials 215  
   Fabian Society 361  
 bestiality 204, 206, 211  
   zoophilia 206  
 Bible, the 26–27, 32, 46–47, 53–54, 118, 149, 176, 253, 323, 329, 336, 348  
   Absalom 338  
   Amnon 140, 338  
   Aquila and Priscilla 327

- biblical 27, 46–47, 140, 149, 194,  
 217, 254, 327, 336, 370, 378–79  
 Bilhah and Zilpah 54  
 Book of 1 Chronicles 327  
 Book of 1 Corinthians 140  
 Book of 1 Kings 47, 54, 327  
 Book of 1 Timothy 46  
 Book of 2 Chronicles 327  
 Book of 2 Peter 127  
 Book of 2 Samuel 54, 140, 327, 338  
 Book of Acts of the Apostles  
 115, 327  
 Book of Ezekiel 126, 347  
 Book of Hosea 126, 347  
 Book of Jeremiah 347  
 Book of John 347  
 Book of Judges 53–54, 268, 289,  
 310, 327–28, 381  
 Book of Luke 126–27, 347  
 Book of Malachi 47  
 Book of Mark 127, 347  
 Book of Matthew 127, 347, 357  
 Book of Micah 126  
 Book of Proverbs 46–47, 62, 177,  
 329, 347  
 Book of Psalms 43, 47  
 Book of Revelation 34, 89, 127,  
 208, 290, 347  
 Elizabeth and Zechariah (繡) 46  
 New Testament 46, 117–18, 140,  
 177, 211, 291  
 Priscilla and Aquila 46  
 Rehoboam 47, 327  
 Samson 53, 328  
 Sodom and Gomorrah 335  
 Sodom 117, 335–36  
 Solomon (繡) 47, 54, 327  
 Song of Solomon 46  
 Tamar 140, 338  
 Big Bang 25, 321  
 biological 24, 32, 49, 58, 61, 73,  
 141–44, 182, 197, 203, 210, 216,  
 244, 255, 259–61, 266, 280, 317,  
 331, 335, 339, 352–53  
 biracial 196–97  
 birth control 35, 217, 285, 326,  
 360–61, 369, 385  
 bisexuals 210  
 Blavatsky, Madame 361  
   *see also* Annie Besant  
 blood relatives 35, 270  
 Bloomsbury Group, *see* Virginia Woolfe  
 Boas, Franz 361  
   *see also* anthropology  
 bondage 53, 334  
 Bosnia-Herzegovina 57, 189, 193, 350  
 bourgeoisie, *see* Karl Marx  
 bowdlerization, *see* sexuality  
 Bradlaugh, Charles 361  
   *see also* Annie Besant  
 Bradlaugh-Besant trials,  
   *see* Annie Besant  
 Brazil 196  
 breast-feed 287  
   breast-fed 139, 144, 147–48  
   breast-feeding 147–49, 265  
   milk-mothers 109  
   milk-sisters 109, 159  
 Breuer, Josef 338  
   *see also* Sigmund Freud  
 bride-wealth 70–71, 101, 130, 136,  
 154, 158, 168, 174–80, 186, 265  
   *see also* dowry, *mahr*, *ṣadāq*, *ṣaduqāt*  
 Britain, *see* the United Kingdom  
 brothels 63–66, 329  
 brothers 20, 28, 85, 87, 93, 96–98,  
 101–05, 264, 271, 281  
 Brussels Tribunal, *see* prostitution  
 Brzezinski, Zbigniew 373  
 Buddhism 36, 357, 380  
   *Tantras* 343  
   Tantric Buddhism 343  
 al-Bukhārī 324, 328–29, 333, 341,  
 350, 367, 386
- C**  
 Canaan 140, 327, 336  
   Canaanites 327  
 cantar 267, 381  
 capitalism 31, 233–34, 380  
   capitalist 33, 233–34, 257, 266, 366  
   capitalists 59, 72, 232  
   industrial capitalism 235  
 cartel 231  
   Stockholm Convention 231

- Treaty of Rome 231  
 Carter, US President Jimmy 373, 376  
 casual sex 166, 345  
 catechumens, *see* St. Augustine  
   of Hippo  
 Catholic Church xviii, 214–17, 325,  
 359, 385  
   Christian Church 63, 357  
   Church, the 35, 64, 118, 211, 213,  
     218, 254, 259, 284, 357–58, 367,  
     378, 384  
   Council of Trent 211, 213, 357  
   Counter-Reformation 214, 357–58  
   Jesuits 358  
   Penitential Books 357  
     *The Penitentials* 211–12  
   Roman Catholic 240  
 cease-fire 10  
 celibacy, *see* Christianity  
 Central Intelligence Agency (CIA)  
 373–74  
 chance 26  
 chancre, *see* syphilis  
 chancroid, *see* sexually  
   transmitted disease  
 charity 43, 64, 319, 341  
 Charter of the International Military  
   Tribunal annexed to the London  
   Agreement for the Prosecution and  
   Punishment of the Major War  
   Criminals of the European Axis  
   *see* Geneva Conventions  
 Chartism, *see* Friedrich Engels  
 chauvinism 30, 268, 300  
   chauvinists 90, 178  
 Chechnya 57, 193  
 childbearing, *see* pregnancy  
 children xv–xvi, 19–20, 28, 36, 39,  
 40, 44–49, 52–55, 60–63, 66, 70, 74,  
 81–82, 85–97, 100–03, 106, 109,  
 125, 137, 139, 142–43, 146–47,  
 159–62, 167–68, 171, 176, 182, 188,  
 190, 193–98, 201, 217, 222, 245,  
 258–59, 265–68, 272, 274, 279,  
 281–82, 286–88, 292–96, 301–07,  
 316, 328–32, 336, 339–40, 356,  
 368–70, 381, 383  
   child 20, 39, 40, 45, 49, 65–66,  
     86–87, 93, 96, 98–102, 162–63,  
     209, 250, 276, 288, 292–99,  
     330–32, 375, 376, 385  
   child labor 65  
   child soldiers 66  
   underclass children 55  
 Children of Israel, *see* Jews  
 China 143, 233, 335, 348, 357  
   Confucian China 335  
 chlamydia, *see* sexually  
   transmitted disease  
 Christianity 32, 36, 211, 280, 283–84,  
 357–58, 369–70, 382  
   Advent, the 212, 217, 357  
   asceticism 213  
   celibacy 36–37, 58, 210–14,  
     284, 357  
   celibates 211  
   Christian 6, 25–26, 32, 43, 46–48,  
     53–55, 62, 64, 118, 126–27,  
     140–41, 151, 189, 200, 208–10,  
     213–18, 238–41, 254, 267, 356,  
     358, 367, 370, 378  
   Lent 212, 357  
   Parousia 211, 356  
 chromosomes 210, 330–32, 341  
   sex chromosomes 331–32  
 Church, the  
   *see* Catholic Church  
 Civil Rights Act of 1964 249, 367–68  
 Civil Rights Act of 1968 368  
 civil society viii, 37, 193  
 civilian(s) 171, 191–92, 351–54  
 civilization(s) iv, xviii, 6–8, 14, 24,  
 32, 34, 65, 89, 118–22, 129, 135,  
 150–51, 157, 193, 208–10, 255, 264,  
 269, 273, 283, 335  
   secular civilization 26, 42  
 class(es) 6, 12, 22–23, 42, 65, 84, 145,  
 183, 187, 194–95, 216–17, 234, 244,  
 247–49, 253, 262, 264, 277, 280,  
 282, 285, 290–91, 343, 348, 366,  
 372–75, 379  
   class consciousness 31, 246  
   class status 68, 235  
   class stratification 57, 279  
   lower class 22, 84  
   middle class 215, 235, 285

- upper class 42, 235, 283  
 cohabitation 53, 119, 124, 186, 198, 217  
*coitus interruptus* 212–13, 325  
 Cold War 57, 286, 385  
 collective punishment 10  
 collusion 231  
 colonial 170, 193  
   colonialists 171  
 Columbus, Christopher 224  
 Comanche (Native American tribe) 349  
 combat 9–10, 169, 264, 332, 346, 354, 357  
 communism, *see* Karl Marx  
 Communist League, *see* Karl Marx  
*Communist Manifesto, The*  
   *see* Karl Marx  
 community xii–xiii, 3, 40, 78, 101, 106, 110, 118, 151, 164, 218, 232, 262, 310, 328, 364  
   communities 13, 15, 43, 48, 63, 67, 78, 104, 144, 156, 164, 168, 195, 204, 225, 248, 335  
 comparable worth 263  
 compassion xviii, 11, 22, 43, 82, 123, 204, 236, 238, 264, 267, 290  
 complement ix, 241–44, 262, 269, 273–74, 289, 331  
   complementarity 91, 244, 288  
   complementary 29, 39, 90, 132, 176, 184, 246, 248, 259, 265, 273, 275, 307, 312  
 conception 29, 37, 169, 296, 325, 326, 385  
 concubine(s) xv, 46–47, 53–54  
 condom(s) 215, 222, 225, 325  
 conscience 4, 28, 42, 80, 83, 94, 100, 105, 110, 119–20, 137, 160, 178, 184, 230–31, 241, 315, 384  
 constitutions 9, 65, 193, 380  
 consumerism 21, 291  
 contentedness 244  
 contraception 35, 37, 212, 215–17, 282, 325–26  
   contraceptive 326, 385  
   contraceptive pill 215, 217  
     birth control pill 326  
     morning-after pill 326  
   intra-uterine devices (IUDs) 326  
   rhythm method 325  
   stillbestrol 326  
 cosmology 141, 321  
 Council of Trent, *see* Catholic Church  
 Counter-Reformation  
   *see* Catholic Church  
 court(s) of law 12, 35–36, 47–49, 60, 99, 110–16, 150, 157, 192–93, 196, 215, 251–52, 262, 267, 281, 306, 326, 342, 355, 376, 378, 381  
 covenant-bearing Muslims 5, 104  
 Covenant, the xiv, 15, 104, 194, 383  
 coveting 242  
 create 29  
   created 25  
 Creationism 26, 29  
 Creek (Native American tribe) 349  
*Crescent International* iv  
 crime 52, 60, 63, 111, 113, 162, 191, 206, 230, 240, 291, 338–39, 352  
   crimes against humanity 191, 352  
   crimes against peace 191, 351  
   organized crime 65  
   social crime 119  
 Crimean Khanate 349  
 crucifixion 240  
 Crusades 349  
 Crystal, David 382  
 cultural xvii, 6, 12, 33–34, 70–71, 90, 95, 121, 140, 173, 188, 196, 216, 235, 248, 255, 257, 259–61, 266, 268, 282–87, 304, 309, 312, 339–41, 344, 354, 362, 380  
   cultural relativism 361  
   culturally 14, 188, 208, 235, 255, 258, 261  
 Cuvier, Georges 321  
   *see also* Charles Lyell  
 cystic-fibrosis, *see* autosomal diseases
- D**  
 d'Alembert, Jean le Rond 381  
   *see also* Jean-Jacques Rousseau  
 Darwin, Charles Robert 25–26, 321–23, 339



- Darwinian 141, 379  
 Darwinism 25, 215  
 Galapagos Islands 323  
 natural selection 25–26, 141, 208, 323–24  
*On the Origins of Species by Means of Natural Selection or the Preservation of Favored Races in the Struggle for Life* 323  
 Alfred Russel Wallace 323  
*Das Kapital*, *see* Karl Marx  
 daughter(s) 13, 45, 69, 79, 84, 90–93, 101–02, 109, 138–42, 145–48, 159, 178, 266, 279–83, 294–95, 299–300, 306, 308, 333–37, 361, 368  
 David (戴維) 140, 327  
 Davis, Deborah 374  
     *see also* Gloria Steinem  
 Davis, Jefferson 347  
     *see also* US Civil War  
 de Beauvoir, Simone 32, 250, 256, 325  
     existentialism 325  
     Jean-Paul Sartre 325  
     *The Second Sex* 32, 325, 378  
 de Lamarck, Jean Baptiste 25, 322  
 de Sade, Marquis 355  
     *see also* algolagnia  
 de Vries, Hugo 25, 324  
 Dead Sea 335  
 debt(s) 20, 87, 94–99, 103, 233  
 deceased 20, 76, 80–81, 85–86, 90–103, 106, 130–31, 179, 194, 268, 270, 334  
 Declaration of Independence,  
     *see* United States  
*Declaration of Sentiments*  
     *see* Elizabeth Cady Stanton  
 desertion (husband from wife) 158, 239, 303, 314  
 detention centers 122, 172  
 Deuteronomy, Book of, *see* the Torah  
 deviant behavior 111, 125  
*Diaries of Anaïs Nin*, *see* Anaïs Nin  
 Diderot, Denis 381  
     *see also* Jean-Jacques Rousseau  
 disadvantaged, the viii, 33, 68, 76, 222  
 discipline xv–xvi, 56, 61, 104, 120, 126, 162, 170, 174, 208, 214, 226, 238, 244, 262, 306–07, 311, 357, 366  
 discrimination 24, 27–28, 40, 90, 195, 247, 261–63, 266, 300, 335, 354, 367–68  
     pay discrimination 250  
     reverse discrimination 262  
     sex discrimination 249–53, 376  
 Dispenser of grace (施恩者) 106, 109–10, 115, 139, 151, 155, 159, 229, 234  
 dispossessed, the viii, 22, 37, 42, 59, 92, 182  
 distribution of wealth, *see* wealth  
 divinity 3, 8, 157  
 divorce(s) 2, 12, 28, 35, 37, 106, 131–35, 146, 166, 171, 175, 179, 205, 217, 265, 283–84, 289, 299, 309–10, 316–17, 369–70, 383  
     no-fault divorce 36  
     divorced xvi, 12, 49, 91, 136–37, 177, 216, 266, 316  
 domestic sphere 257–60  
 domestic work 285  
 dominion 8  
 dos 238, 269  
 dot 269  
 dote 269  
 douching 325  
 Douglass, Frederick 370, 383  
     *see also* Elizabeth Cady Stanton  
 Down's Syndrome 73, 330–31  
     Down, John Landon 330  
 dowry viii, 54, 68–71, 131, 136, 168, 175, 180, 265, 268–69, 281  
 dower 268–69  
 dowries 38, 70, 195, 281  
     *see also* bride-wealth, *mahr*, *ṣadāq*, *ṣaduqāt*  
 drugs 37, 63, 220–22, 330–32  
     drug addicts 221  
     drug problems 67  
 Durkheim, Emile 235, 366  
     *see also* social anthropology
- E**  
 Eastern Orthodox 60, 216–17, 357  
 economic xviii, 2, 12, 62, 67–68, 71, 94, 121, 163, 185–86, 194, 232–37, 249–51, 256–60, 264, 279–87, 312, 348–50, 369

- economic status 41, 64
- education 33–34, 43, 52, 123, 250, 252, 255, 261, 276, 280, 283–86, 324, 329–31, 366, 368, 370, 381–84
- egalitarian 256–60
- Ego and the Id*, see Sigmund Freud
- Egypt 140, 336, 348, 355, 387
- Egyptian 129
- Eldridge, Niles 324
- see also punctuated equilibrium
- Electra Complex, see Sigmund Freud
- elites 5, 6, 249, 264
- elitist 8, 213
- Elizabeth and Zechariah (撒) 46
- see also the Bible
- emancipation 10, 204, 208, 291, 374
- Emancipation Proclamation
- see the US Civil War
- Emerson, Ralph Waldo 370
- see also Elizabeth Cady Stanton
- emotional xv–xvi, 8, 11, 13, 44–45, 49, 51, 73, 75, 79, 82, 95, 105–06, 109, 134, 137, 150–51, 154, 157, 160–61, 164, 167, 180, 183, 198, 200–01, 205, 236, 268, 272, 288, 290, 292, 301–03, 308–09, 313–14, 345, 363
- emotional support 39–40
- employment 191, 242, 250–52, 261–62, 265, 285–86, 369–70, 374
- Encyclopedia, or a Systematic Dictionary of the Sciences, Arts and Crafts*
- see Jean-Jacques Rousseau
- endogamy, see marriage
- Engels, Friedrich 257, 259, 366, 379–80
- Chartism 379
- The Origin of the Family, Private Property, and the State* 259, 379–80
- England, see the United Kingdom
- Enlightenment, the 163, 181, 261, 343, 380–81
- envy 95, 242–45
- see also coveting
- Equal Credit Opportunity Act of 1974 252, 377
- Equal Employment Opportunity Commission 251
- Equal Pay Act of 1963 376
- equal pay for equal work 263
- Equal Rights Amendment (ERA) 251, 261, 358, 373, 375–76
- Alice Paul 375
- National Women's Party 375
- Phyllis Schlafly 375
- equal status 33, 343
- equal protection under the law 252
- equality xiii, 24, 27, 31, 68, 81, 83, 90–91, 129, 132, 145, 189, 247–53, 259, 266–67, 275, 278, 287, 302, 312, 317, 319, 335, 368, 372, 375, 380, 382, 384
- equity 45, 49–51, 63, 85
- erotica ix, 162–65, 203, 344–45
- erotic 60, 163–65, 194, 205–06, 339, 342–45
- eroticism 167, 213
- Praxiteles 165
- Giulio Romano 342
- I Modi (The Positions)* 342
- satyrs 165
- Sei Shonagon 342
- The Pillow Book* 342
- Ethiopia 65
- ethnic 12, 21, 24, 34, 63, 101, 145, 183, 188, 196–97, 216, 327
- ethnicism 30, 63, 201
- Europe xviii, 8, 33, 61, 64, 105–06, 141, 220–24, 235, 249, 260, 284–85, 291, 334–35, 339, 343, 349, 370, 373
- Euro-American 14, 30–33, 54, 63, 67, 70, 101, 105, 193, 196, 233, 248–49, 269
- Central Europe 348, 358
- Eastern Europe 11, 66
- European 43, 60, 140, 165, 191–92, 213, 224, 250, 261, 284, 332, 335, 343, 348–49, 358–59
- European Axis countries 351
- European Free Trade Association 232
- European Reformation 64
- Europeans 349
- Medieval Europe 358
- Middle Ages 43, 140, 381
- evangelical(s) 39, 189, 217, 378
- Protestant evangelicals 126

Eve (حَوۡوَا), *see* Hawwā' (حَوۡوَا)  
 evolution 25–26, 29, 77, 276, 280,  
 321–24  
   evolutionary 25, 26, 204,  
     322–24, 340  
   evolutionist 260  
   *McLean versus Arkansas Board of*  
     *Education* case 324  
     Overton, William 324  
   Neo-Darwinism 25  
 existentialism, *see* Simone de Beauvoir  
 Exodus, Book of, *see* the Torah  
 exogamy, *see* marriage  
 extra-marital affairs 119, 176, 240  
 Ezekiel, Book of, *see* the Bible

## F

Fabian Society, *see* Annie Besant  
 Fair Labor Standards Act 376  
 fairness xvi, 18, 38, 41, 43, 50–51, 56,  
 58, 68, 75, 83, 89–90, 233, 302, 308  
 Fakhitah bint al-Aswad ibn 'Abd  
 al-Muṭṭalib 149  
*familia*, *see* *paterfamilias*  
 family  
   broken families 57, 65, 167–70  
   extended family 22, 40, 45, 67, 72,  
     77, 78, 268  
     *see also* 'uṣbah  
   family, bedrock of society xiii,  
     21, 77  
   family atmosphere 44, 50, 133  
   family emotional-security circle  
     151, 180, 183  
     family emotional-security  
       environ 154  
   family feelings 22, 31, 76  
   family life xix, 22, 35, 54, 58–63,  
     67, 89, 91, 105, 156, 185, 198,  
     250, 276, 289, 296, 302  
   family matters xv, 2, 172  
   family members ix, 40, 75, 78,  
     81, 86, 89, 105, 142, 227,  
     268–70, 304  
   family planning 35  
   family relationships 23, 34, 45, 80,  
     199, 271

  family responsibilities 2, 162, 186,  
     226, 278, 376  
   family structure 22, 49, 56, 117,  
     129, 183, 259, 272, 301  
   family ties 2, 23, 30, 34–37, 45, 54,  
     59, 75, 77, 81, 133, 162  
     *see also* ṣilah al-raḥm  
   family unit 76–77, 183, 276,  
     294, 306  
   family values 36, 376  
   human family 24  
   nuclear family 67, 79, 141–43, 150,  
     268, 294  
 Farley, Melissa 329  
   *see also* prostitution  
 al-Fath, Ghazwah 1  
 fathers 3, 49, 52, 66, 82, 95–96, 99,  
 105, 109, 130, 137–38, 146–48, 159,  
 264, 281, 292–94, 371  
 Fāṭimah bint Muhammad (فَاتِمَة) 290  
 feminine xxii, 14, 32, 91, 212, 216,  
 255, 258, 274, 276, 287–88, 302–03,  
 308, 311, 325, 356, 370  
 femininity 210  
 feminism ix, 246, 253–54, 267, 300,  
 370–74, 378–79  
   black feminism 373  
   feminist 33, 121, 210, 250, 253–54,  
     256–57, 260, 285, 325, 343, 361,  
     368, 370–74, 378  
   feminist criticism 32  
   feminist theology 32, 253–54  
   feminists 33, 39, 178, 250, 256,  
     285–86, 329, 374  
   Elisabeth Schüssler Fiorenza  
     254, 378  
   Rosemary Radford Ruether 254, 378  
 Ferraro, Geraldine Anne 252, 376  
 fetus 36, 103, 300, 317, 326, 359, 385  
 Final Day 4  
 financial xiii, xv–xvi, 36, 45, 51, 68,  
 71–72, 75–76, 79, 91, 101, 106, 121,  
 132, 137, 149, 156–57, 164, 177, 187,  
 229–30, 234–36, 242, 265–66,  
 270–71, 278, 307, 313, 316, 320  
 finances 39, 75, 83, 90, 175, 237,  
 259, 266, 270, 278  
 financial support 39, 40, 82, 268

financial transactions 13, 94, 232  
 Finland 340  
 Fiorenza, Elisabeth Schüssler 254, 378  
   *see also* feminism  
 Fire, the 20, 104, 337  
 First Amendment  
   *see* US Constitution  
 flogging 111–14  
 forgiveness 123–26, 203, 239, 318–19  
 fornication, *see* adultery  
 four wives, *see* wife  
 France 220, 284, 325, 334, 358–59,  
   381, 385  
   French 206, 269, 284, 321–22, 333,  
   356, 366, 380  
   French Revolution 33, 325,  
   368, 381  
 freedom xx, 43, 69–70, 101, 105, 114,  
   120, 122, 131–34, 157, 163, 167,  
   171, 183–84, 198, 204–08, 211, 219,  
   247–49, 302, 329, 335, 344, 350–51,  
   375, 380  
 Freud, Sigmund 141, 215–16, 338–40,  
   370–71  
   Josef Breuer 338  
   *Ego and the Id* 338  
   Electra Complex 340  
   E. Stanley Hall 338  
   *Interpretations of Dreams* 338  
   London Society for Psychical  
   Research 338  
   Oedipus Complex 216, 338–40, 371  
   psychoanalysis 215, 338–39, 370  
   Robertson Smith 339  
   *Totem and Taboo: Resemblances  
   Between the Mental Lives of  
   Savages and Neurotics* 141  
   Vienna Psychoanalytical Circle 338  
 Friedan, Betty 250, 370  
 functionalism 361, 366, 380

## G

Gabriel (angel – ㊄) 94  
 Gage, Matilda Joslyn 369, 370  
 Galapagos Islands, *see* Charles Darwin  
 gambling 230–31, 329  
   Gamblers Anonymous 231

gametes 341  
 Garden of Eden 28  
 Gemara, *see* the Talmud  
 gender 4, 12, 27–28, 32, 52, 57, 65,  
   81, 90, 95, 99, 101–03, 132, 151,  
   184, 209–10, 213–15, 244–47, 257,  
   260–66, 273, 278, 286–87, 290, 317,  
   335, 356, 368, 375  
   gender anarchy 285  
   gender bias 40, 80  
   gender consciousness 29, 31, 246  
   gender relations viii, 30, 208, 246,  
   280, 285  
   gender rivalry 277  
   gender warfare 187, 255  
   genders 2, 29, 169, 178, 184,  
   186, 248  
 Genesis, Book of, *see* the Torah  
 genetics 25, 142, 323, 332  
   genetic disorders 331  
   genetic drift 26  
 Geneva Conventions 171–72,  
   191–93, 346, 353  
   Additional Protocol to the Geneva  
   Conventions Relating to the  
   Protection of Victims of  
   International Armed Conflicts  
   171, 192, 346, 353  
   Charter of the International  
   Military Tribunal annexed to  
   the London Agreement for the  
   Prosecution and Punishment of  
   the Major War Criminals of the  
   European Axis 191, 351  
   First Geneva Convention of 1949  
   for the Amelioration of the  
   Condition of the Wounded and  
   Sick in Armed Forces in the  
   Field 352  
   Fourth Geneva Convention of 1949  
   relative to the Protection of  
   Civilian Persons in Time of  
   War 353  
   International Military Tribunal at  
   Nuremberg 191–92  
   Third Geneva Convention of 1949  
   relative to the Treatment of  
   Prisoners of War 352

- genital mutilation 163  
 Gentz, William H. 379  
 Germany 190, 232, 330, 348, 359, 366, 379  
 Ghafāfan (Arabian tribe) 40, 84, 327  
 Ghaylān ibn Salamāh al-Thaqafi 328  
 Giddul Yetomim, *see* orphans  
 Gnostics 211  
 Godwin, William 368  
   *see also* Mary Wollstonecraft  
 gonorrhoea, *see* sexually transmitted disease  
 Gould, Stephen Jay 324  
   *see also* punctuated equilibrium  
 government 21, 42, 65, 70, 72, 78, 100, 104–05, 112, 115–20, 151, 172, 201, 232, 251, 262, 286, 291, 329, 334, 365, 370, 373, 380–83  
   authoritarian government 104  
   governance xii, 8  
   governments 59, 61, 67, 105, 114, 135, 190, 230–31, 308, 334, 347, 383  
 Graham, Katharine 374  
   *see also* Gloria Steinem  
 Grant, General Ulysses S. 347  
   *see also* US Civil War  
 Greece 335, 348  
   Greco-Roman 215, 280, 283  
   Greek(s) 129, 165, 335, 342, 356, 362  
 greed 11, 57, 177, 357  
 Greer, Germaine 250, 374  
 Guantanamo Bay 171  
 guardian(s) 11, 15, 37–42, 69, 72, 74, 281
- H**  
 Hagar 53  
   *see also* Abraham (ﷺ)  
 haggadah, *see* the Talmud  
 al-Hākīm 321, 333, 367  
   *al-Mustadrak* 321  
 halakhah, *see* the Talmud  
 half-breed 196  
   half-caste 196  
 Halitzah, *see* levirate marriage  
 Hall, E. Stanley 338  
   *see also* Sigmund Freud  
 Halleck, General Henry Wager 347  
   *see also* US Civil War  
 Ḥamīdullāh, Dr. Muḥammad 385  
   *al-Wathā'iq al-Siyāsiyah fi al-'Ahd al-Nabawī wa-al-Khilāfah al-Rāshidah* 385  
 Ḥamrā' al-Asad, Ghazwah 15  
 handicapped 22, 52, 73, 261, 265, 285  
 al-Ḥasan al-Baṣrī 97, 367  
 Hassan, Nihal 351  
   *see also* prostitution  
 Hausa in Nigeria 349  
 Hawāzin (Arabian tribe) 346  
 Ḥawwā' (ﷺ) 27  
   Eve (ﷺ) 27  
 Hebrew 43, 54, 279, 283, 327, 355–56  
 Hebrew Bible, *see* Old Testament  
 Hefner, Hugh 345  
   *see also* pornography  
 heirs 19–20, 76, 79, 82–87, 93, 97–103, 109, 130, 133, 155, 241, 269, 270  
 Hellenistic period, *see* patriarchy  
 hemophilia 331–32  
 Henry the Navigator 349  
   *see also* Portugal  
 hepatitis A, *see* sexually transmitted disease  
 hepatitis B, *see* sexually transmitted disease  
 herpes, *see* sexually transmitted disease  
 heterosexism 254  
   heterosexual 217, 221–22, 343, 359  
   heterosexuals 206, 210, 222, 364  
 Hexateuch, *see* Old Testament  
 Hinduism 343  
   Tantric Hinduism 343  
 Ḥiṣn ibn Abī Qays 148  
 HIV (human immunodeficiency virus)  
   *see* AIDS  
 Hollywood 14, 21, 32, 66  
 Holy Roman Empire  
   *see* Protestant Reformation  
 home front 4  
 homeless xii, 42, 83  
 homosexuality viii, 114–24, 132, 215, 217, 254, 335, 371, 375

- homosexual 111, 116–18, 150,  
209–11, 216–17, 220–21, 226,  
335, 359, 364
- homosexuals 114–17, 163, 201, 206,  
210, 220, 335
- lesbianism 335, 371
- lesbian 114, 343
- Sappho 335
- honorifics vii, xxi
- Hosea, Book of, *see* the Bible
- house arrest 111, 122, 132
- household(s) 11, 15, 39, 45–47, 158,  
160, 166, 174, 259–60, 271, 279, 283,  
286, 290, 296, 312, 316, 332, 371
- Ḥudaybiyah 1
- human affairs 8, 19, 23, 82, 100
- human behavior 4, 67, 121, 148, 259,  
267, 371
- human history 24–25, 144, 150, 181,  
258, 295
- human nature 5, 7, 9, 21, 23, 31–34,  
51, 56, 58, 75–77, 95, 116, 122, 124,  
138–41, 144, 149–50, 156–57, 160,  
163–64, 174, 177, 181–82, 189, 203,  
207–08, 227, 229, 238, 243, 247,  
256–57, 268, 278, 289, 300,  
307–09, 314
- human nervous system 223, 274,  
364, 382
- human race 15, 199, 245
- human relations 11, 21, 35, 81, 89,  
104, 123, 156, 186, 238, 277, 309
- human relationships 218, 296–97
- human societies 8, 35, 36, 59,  
141, 341
- Hume, David 381  
*see also* Jean-Jacques Rousseau
- Ḥunayn, Ghazwaḥ 170, 345–46
- hunting and gathering societies 258,  
260, 280
- husband and wife xvi, 35, 51–55, 58,  
60, 65, 68–70, 129, 134, 136,  
160–68, 178, 187, 198, 204, 227, 248,  
259, 261, 264, 266, 272, 274–78, 282,  
287–301, 304, 309–14, 327
- Hutton, James 321  
*see also* Charles Lyell
- Huxley, Thomas Henry 25, 323  
scientific humanism 323
- hygiene licenses, *see* prostitution
- Hyman, Flora 333  
*see also* Marfan's Syndrome
- ## I
- I Modi (The Positions)*, *see* erotica
- Ibn 'Arabi 386
- Ibn Jarir 334
- Ibn Jurayj 386
- Ibn Kathir 333
- Ibn Mas'ud 97
- Ibn Mājah 333, 386
- Ibn Ḥabbān 333
- Ibn Sa'd 329, 333, 386
- identity 12, 136, 197, 210, 235, 285,  
287, 297, 359
- ideology 12, 42, 235, 300, 371, 375
- ideological 21, 24, 66–67, 71, 172,  
234, 258, 271
- ideologies 24, 235, 366, 378
- Islamic ideology 42
- immorality 106, 110–13, 121, 181, 301
- immoral conduct 106, 109, 114,  
130, 133, 154, 158, 180, 189
- imperialism 185
- imperial 170, 193
- imperialists 171, 191
- inbreeding, *see* marriage
- incarceration 122, 372
- incest ix, 28, 138, 140–44, 149, 209,  
339, 385
- independence xvii, 183, 361
- independent 161, 180, 183–84,  
188–91, 279, 291, 310, 332, 347,  
351, 368
- Independent Labour Party  
*see* Emmeline Pankhurst
- India 70, 343, 360–61, 373, 381
- Industrial Revolution 233
- industrialization 214, 366
- inferiority ix, 163, 184, 246–47, 253,  
289, 299
- infertility 223–24, 326
- infidelity 111, 175, 177, 186
- inheritance viii–ix, xiv–xv, xviii, 2,  
12, 19–22, 37, 71, 74–81, 84–103,  
106, 110, 116, 131, 136, 138, 195,  
243, 264, 266, 269–71, 323, 331–34

- initiative ix, 275, 299, 303  
     initiative position 272, 278,  
     288–89, 307, 311, 314, 316  
     sexual initiative 277  
 injection needles 220–21  
 injustice xvi, 3, 42, 112, 228, 248,  
     253, 287, 371  
 Institute of Contemporary Islamic  
     Thought iii–v, xix–xx  
 intelligence quotient (IQ) 73, 358, 385  
 intercourse 35–36, 140, 145, 161,  
     167, 175–76, 184, 211–12, 217,  
     220–22, 305, 311, 314, 326, 342,  
     355, 372, 385  
     anal intercourse 213, 225–26, 363  
     lovemaking 166, 275  
     orgasm 216  
     vaginal intercourse 209, 212, 216  
 International Military Tribunal at  
     Nuremberg 191–92  
     *see also* Geneva Conventions  
 international relations 10, 201  
*Interpretations of Dreams*  
     *see* Sigmund Freud  
 intimacy 133, 156, 194, 238, 272,  
     300–03, 313–14, 317  
 intra-uterine devices (IUDs)  
     *see* contraception  
 Iraq 171, 189–90, 193, 351  
     Abu Ghraib 171, 190  
     Iraqi 189–90, 351  
 irreconcilable differences 36  
 Isaac (ﷺ) 47  
 al-*Iṣfahānī*, Abū Muḥammad ‘Abdullāh  
     ibn Muḥammad ibn Ja‘far ibn  
     Ḥayyān 333  
 Islamic domain xviii, 248  
 Islamic ethics 163, 248  
 Islamic history xi, 26, 101, 169,  
     264, 312  
 Islamic moral fabric viii, 106  
 Islamic moral society 65, 115  
 Islamic movement iv  
 Islamic principles 147, 163  
 Islamic public 5  
 Islamic social order 6, 65, 101, 113,  
     129, 172, 188, 246  
 Islamic society ix, xiii–xiv, 3–6, 35,  
     38, 41, 52, 62–63, 67, 71, 74–75, 88,  
     101, 110–16, 122, 132, 160, 168–72,  
     180–85, 188–89, 195–99, 204, 230,  
     243, 248, 264, 267  
 Islamic state xii, 10, 66, 119–20, 166,  
     171, 182, 189  
 Islamic values 113, 163  
 Islamic world 10, 205  
 Islamophobic xv  
 Israel 46–48, 125–26, 177, 238, 328,  
     336, 356  
     Israelis 207, 327  
     *see also* Zionists
- J**  
 Jābir ibn ‘Abdillāh 333, 386  
 Jābir ibn Zayd 97  
 Jacob (ﷺ) 47, 54  
     Leah 47, 54  
     Rachel 47, 54  
 al-Jamal, Battle of 367  
 Japanese 192  
 al-Jaṣṣāṣ 386  
     *Aḥkām al-Qur‘ān* 386  
 Jebusites, *see* Jerusalem  
 Jeffreys, Sheila, *see* prostitution  
 Jeremiah, Book of, *see* the Bible  
 Jerusalem 47, 327  
     Jebusites 47, 327  
 Jesuits, *see* Catholic Church  
 Jesus (ﷺ) xxii, 114, 126, 127, 177,  
     241, 254, 356, 357  
     crucifixion 240  
 Jews xv, 6, 10, 25, 48, 126, 140, 151,  
     216–17, 327, 355, 375  
     anti-Semitism 249, 371  
     Ashkenazi Jews 48, 195, 328  
     Children of Israel 46, 125, 336, 356  
     Jewish 43, 47, 189, 279, 327–28,  
     339, 355, 366, 370–71  
     Jewish tribes xiv  
     Judaism 36, 126, 210, 280, 327, 355  
     Oriental Jews 48  
     Sephardic Jews 195  
 John, Book of, *see* the Bible  
 John the Baptist (ﷺ) 127  
     baptism 127

- Johnson, US President Lyndon B. 367–68
- Johnston, General Joseph E. 347  
*see also* US Civil War
- jolt 156, 272, 301, 304, 307, 311, 317  
 maintenance regimen 301  
 nudge 305, 307  
 nudging 305, 312
- Joshua, Book of, *see* the Old Testament
- Judaism, *see* Jews
- Judeo-Christian 26, 32, 43, 46–48, 53–55, 62, 64, 118, 141, 209–10
- Judges, Book of, *see* the Bible
- justice xi, xvi, 8, 12–13, 22, 38, 41–42, 45, 50, 55–58, 62–63, 66, 75, 86, 89–90, 96, 128, 149, 193, 239, 242, 247, 256, 264–69, 290, 315, 365  
 social justice 6, 39, 44, 67–68, 71, 76–77, 98, 198, 253, 306
- K**
- Kaḥlah 84  
*see also* Aws ibn Thābit
- Kashmir 193
- Kazakhs 349
- Kennedy, US President John F. 376
- Kenya 65
- Khadījah, Umm al-Mu'minīn 290
- Khālīd and 'Arfaṭah 84  
*see also* Aws ibn Thābit
- Khān, 'Afīf xix
- kickbacks 230
- King, Reverend Martin Luther 367
- kinsfolk 19, 80, 84, 100, 155, 241, 269, 320  
 kinship xiii, 15, 34–35, 138  
 near of kin 19, 81, 336
- Kliger, Rachele 351  
*see also* prostitution
- Kubayshah bint Ma'n 148
- al-Kūfah 97
- L**
- labor xviii, 39, 65–66, 79, 90, 122, 174, 191, 234–35, 247, 260, 263, 281–82, 285–86, 295–96, 320, 348–51, 366, 376–79, 385
- Lady Chatterly's Lover* 165, 343  
*see also* D.H. Lawrence
- law 8–9, 12, 37, 40, 48, 60, 65, 99, 111–13, 116, 140, 146, 176, 189, 194, 251–52, 262, 285, 291, 306, 315, 321, 324, 327–29, 337, 346, 352, 355, 365, 366–68, 375–78, 383–85  
 American law 250, 282  
 case law 381  
 common law 268, 357, 381  
 French law 269  
 Hebrew law 279  
 international law 192  
 law of independent segregation 332  
 military law 192  
 Rabbinical law 43  
 Roman law 269, 279, 280  
 Spanish law 269
- Lawrence, D.H. 343, 372  
*Lady Chatterly's Lover* 165, 343
- laws viii–ix, xiv–xv, 4, 12, 22, 24, 37, 63–65, 75, 81, 87, 100–01, 104, 121, 145, 191, 199, 204, 207, 250–51, 262–63, 268, 270, 306, 328, 332, 335, 348, 351, 356, 376–78, 383–84  
 anti-miscegenist laws 196–97  
*Loving versus Virginia* case 196, 355  
 covenant laws 194  
 divine laws 112  
 divorce laws 369  
 inheritance laws viii, 76, 92, 98–99, 102, 110  
 Islamic laws 42  
 obscenity laws 60  
 secular laws 231, 269
- Leah 47, 54  
*see also* Jacob (雅各)
- Lee, General Robert E. 347  
*see also* US Civil War
- legal system(s) 12, 49, 76, 111–12, 120, 122, 175, 381
- legal will 76, 100
- legality 120, 187
- legislation viii, 8, 86, 101, 111, 192, 249, 255, 271, 356, 367–68, 375, 377, 383



- antitrust legislation 231  
 Lent, *see* Christianity  
 lesbianism, *see* homosexuality  
 Levitical Holiness Code 211  
 Leviticus, Book of, *see* the Torah  
 liberal democracy 235  
 liberalism xix  
 liberation xviii, 33, 199, 208, 219,  
   250–52, 261, 370–75, 378  
 liberty xvii, 10, 132, 157, 276,  
   335, 383  
 Lincoln, US President Abraham 333,  
   347–50, *see also* US Civil War  
 literacy tests, *see* right to vote  
 London, *see* the United Kingdom  
 London Society for Psychological Research  
   *see* Sigmund Freud  
 Lot (לוֹט) 117, 140, 335–36, 356  
   Ammonites 140, 336  
   Moabites 140, 336  
 lovemaking, *see* intercourse  
*Loving versus Virginia* case  
   *see* antimiscegenist laws  
 Luke, Book of, *see* the Bible  
*lumpenproletariat*, *see* Karl Marx  
 lust(s) 56, 59, 65, 135, 139, 155, 159,  
   163, 200–08, 212, 222, 225–28  
 Luther, Martin 358, 367  
   *see also* Protestant Reformation  
 Lutheran, *see* Protestant Reformation  
 Lyell, Charles 25, 321  
   Georges Cuvier 321  
   James Hutton 321  
   uniformitarianism 321  
   *Principles of Geology* 321  
 lymph glands 221, 223  
 lymphocytes, *see* AIDS  
 lymphogranuloma tenerum  
   *see* sexually transmitted disease
- M**  
 Madinah xi–xiv, 1, 2, 6, 34, 84,  
   97, 101, 112, 118, 120, 187, 271,  
   321, 327  
   Madinan 1–2  
 Magdalen homes, *see* orphans  
 Mailer, Norman 372  
   *see also* Kate Millet  
 Maimonides 195, 355  
   Moses ben-Maimon 355  
 maintenance regimen, *see* jolt  
 Makkah xi, xiv, 1, 13, 34, 101, 118,  
   120, 271, 345, 346  
   Makkan 1, 329  
 Malachi, Book, *see* the Bible  
 Malcolm X 367  
 Mālik, Imam 334  
 Malinowski, Bronislaw Kasper 216, 361  
   Melanesia 216, 362  
   particulate inheritance 323  
   *The Sexual Life of Savages in*  
   *North-Western Melanesia* 216  
   Trobriand Islanders 216, 361–62  
 Malthus, Thomas Robert 215, 360  
 man-made 8, 120, 172, 270  
 Manichaeism 357  
   Mani 357  
   Manichees 211  
 Maṣṣūr ibn Māzin 149  
 Marcionites 211  
 Marfan's Syndrome 333  
   Hyman, Flora 333  
   Marfan, Bernard Jean Antoinin 333  
   Kevin McHale 333  
 Mark, Book of, *see* the Bible  
 marriage  
   endogamy 195  
   exogamy 142, 195  
   inbreeding 141–44, 149  
   Islamic marriages 70  
   levirate marriage 194–95, 355  
   Halitzah 194–95  
   Rabbeinu Tam 195  
   Yevamot 355  
   marital relations 2, 146, 226  
   marital relationship 136, 160, 175,  
   178, 187  
   marriage contract 269, 303  
   mésalliance 197  
   morganatic marriage 195  
   outbreeding 141, 143  
   same-sex marriage 119, 150, 341  
   homosexual marriage 150  
   sororate marriage 195  
   temporary marriage 186

- wedlock 123, 139, 147, 154, 158,  
174–75, 178, 180, 186, 313
- Marthad ibn Zayd 84
- Marx, Karl Heinrich 234–35, 259,  
366, 379
- bourgeoisie 234–35
- bourgeois 235
- communism 31, 366
- Communist League 366
- Communist Manifesto, The* 366, 379
- Das Kapital* 366, 379
- lumpenproletariat* 366
- Marxism 379
- Marxist 234–35, 256–57, 259–60,  
371, 375, 379
- proletariat 234–35
- Mary (瑪) xxii, 46, 212
- masculine xxii, 32, 91, 216, 254–55,  
258, 264, 274, 278, 282, 287–88,  
308, 311, 316, 356
- masculinity 210, 286, 288, 308
- masochism, *see* algolagnia
- masturbation 212–17, 355, 359–60
- materialism 21, 90, 135, 137, 184, 200,  
258, 268, 366
- historical materialism 379
- material 8, 29, 49, 60–61, 81–82,  
85, 195, 199, 215, 217, 236,  
243–48, 257, 260, 262, 270, 300,  
321, 327, 340, 357, 360
- materialist 248, 266, 379
- materialistic 10–11, 21, 61, 135,  
164, 167, 181, 194, 249, 277, 289,  
300, 312
- materialistic societies 67, 230, 248
- matriarchal 339
- Matthew, Book of, *see* the Bible
- McClellan, Major General  
George B. 347  
*see also* US Civil War
- McHale, Kevin 333  
*see also* Marfan's Syndrome
- McLean *versus* Arkansas Board of  
*Education* case, *see* evolution
- Mead, Margaret 215, 361  
*see also* anthropology, Franz Boas
- media 21, 60, 114, 122, 163, 167, 189,  
248–49, 372, 384
- meiosis 341
- Melanesia 216, 362  
*see also* Bronislaw Malinowski
- Mendel, Gregor Johann 25, 323–24,  
331–32
- Mendel's laws 324, 331
- particulate inheritance 323
- principle of gametic purity 331
- Merciful (慈悲), the i, 226
- mercy i, xvi, xix, 11, 106, 115, 123,  
137, 149, 155–59, 181, 193, 200–03,  
226, 228, 238, 245, 278, 316, 318
- Mercy-Giving (慈悲), the i
- mésalliance, *see* marriage
- Micah, Book of, *see* the Bible
- Middle Ages, *see* Europe
- Middle East 143, 280
- middle passage, *see* slavery
- militarism 254
- milk-mothers, *see* breast-feed
- milk-sisters, *see* breast-feed
- Mill, John Stuart 340  
*see also* Edvard Westermarck
- Miller, Henry, *see* Kate Millet
- Millet, Kate 250, 372
- Norman Mailer 372
- Henry Miller 37
- minor(s) 2, 11–12, 37, 49, 52, 55, 74,  
80, 83–84, 90, 99, 155, 201–03,  
237–40, 276, 327
- minorities 22, 99, 248, 261–62
- miscarriage 36, 385
- miscegenation 197
- Mishnah, *see* the Talmud
- misogynistic 189
- mistress(es) xv, 53, 211, 282
- secret love-companions 154, 158,  
180, 186
- mitepristone, *see* abortion
- mitosis 341
- mixed breed 196
- Moabites, *see* Lot (羅)
- Mondale, Walter “Fritz” 252, 376
- monetary equivalents ix, 229, 236
- money 11–13, 37–38, 41, 49–50,  
62–72, 75, 79, 81, 83, 91, 99, 103,  
121, 131, 157, 164, 176, 187, 200,  
230, 233–36, 239, 242, 247, 249,

- 258, 264–69, 278, 296, 311, 313  
 circulation of money 229, 235, 237, 270  
*see also* wealth
- Mongols 349
- monogamy 46, 48, 198, 217  
 monogamous 46, 53, 63, 222  
 monogamous marriages 47, 54
- mononucleosis 221
- monopoly 13, 199, 231–34, 365, 366
- monopsony 231
- morality viii, 4, 8, 64, 105, 112, 115, 120, 166–67, 201, 203, 259, 284, 291, 303, 361  
 moral character 5, 110, 112, 172, 201–02, 217, 335  
 moral code 40, 119–20, 123  
 moral decay 55, 121  
 moral deviance 115  
 moral principles 5, 208  
 moral society 65, 110, 115, 199, 202  
 moral standards 13, 113, 128, 163, 171, 174, 203, 229, 303  
 moral values ix, 120, 173, 229  
 public morality 22
- Morocco 340, 355
- Moses (ﷺ) 140, 336, 339, 356
- Most Merciful (ﷻ), the 110
- mothers xv–xvi, 13, 44–45, 49–52, 55, 82, 96, 100, 105, 109, 138–39, 145–47, 159, 179, 193, 252, 277, 292, 293, 330  
 motherhood 212, 287, 295–99, 370  
 mothering relationship 297
- Mott, Lucretia 382
- Mu'āwiyah ibn Ḥaydah al-Qushayri 311, 386
- Much-Forgiving (ﷺ) 109, 139, 151, 155, 159
- Muhammad (ﷺ) 34, 55, 120, 169, 189, 346  
 Allah's Prophet (ﷺ) 166, 239, 240, 248  
 Messenger (ﷺ), the xiv, 94, 308  
 Messenger of Allah (ﷺ) xiv  
 Prophet (ﷺ), the xi, 1, 3, 10, 41, 46, 51, 56, 80, 84, 86, 92, 94, 102, 120, 166, 170, 187, 239–40, 248, 271, 311–12, 321
- mulatto 196
- Mulaykah bint Khārījah 149
- multiculturalism 197
- multiple marriage, *see* polygamy
- multiracial 196–97
- Muslim East 143
- Muslim exiles 271
- Muslims, committed 3–6, 9–10, 44, 102, 104, 118, 127, 189, 230, 243
- Muslims, Freudian 48
- Mycobacterium tuberculosis*, *see* AIDS
- N**
- nakedness 28, 318, 336–37
- al-Nakh'i 97
- National Organization for Women (NOW) 250–51, 370, 376  
*see also* Betty Friedan
- National Women's Party, *see* Equal Rights Amendment (ERA)
- nationalism 30, 63, 201, 254, 380  
 nation-state 145, 257, 347, 359  
 nationalist 24  
 nationality 249  
 nations 7, 48, 65, 185, 286, 328, 337–38, 381
- Native American xvii, 70, 190, 349, 356
- natural selection, *see* Charles Darwin
- nature and culture 141, 258–61
- Nawfal ibn Mu'āwiyah al-Daylamī 328
- Nazi 192, 339
- Neisseria gonorrhoeae*, *see* sexually transmitted disease
- Neo-Darwinism, *see* evolution
- Netherlands 358–59
- Nevada 63, 329, 376  
*see also* prostitution
- New Testament, *see* the Bible
- Nin, Anais 165, 343  
*Diaries of Anais Nin* 165, 343
- al-Nisā'i 328, 334, 345, 386
- non-Islamic 6, 52, 65, 99, 173, 195
- nudge, *see* jolt
- Numbers, Book of, *see* the Torah

## O

- obscene 59–60, 110, 119, 234, 306  
 Oedipus Complex, *see* Sigmund Freud  
 Old Testament 117, 126, 140, 176–77,  
 194, 328, 356  
 Book of Joshua 327  
 Hebrew Bible 238  
 Hexateuch 356  
 Priestly account 210, 356  
 Ten Commandments 46, 176  
 Yahwist account 210, 212, 356  
 oligopoly 231  
*On the Origins of Species by Means of  
 Natural Selection or the Preservation of  
 Favored Races in the Struggle for Life*  
*see* Charles Darwin  
 oppression 10, 131–32, 186, 235,  
 254–60, 289, 366, 372  
 oppressed, the 42, 251, 383–84  
 oppressed women 64, 190  
 orgasm, *see* intercourse  
 orientalist(s) 39, 80  
 orphan(s) viii, xii, xiv–xv, 11–15, 19,  
 22, 37–45, 48–62, 64–68, 71–74,  
 81–86, 99, 106, 110, 131, 149,  
 170–71, 190, 193–4, 196–201, 204,  
 229, 236, 239, 276, 284, 328  
 Giddul Yetomim 43  
 Magdalen homes 64  
 mentally challenged orphans 72–73  
 weak of judgment 19, 38, 72  
*see also* *yatim*  
 Osama bin Laden 373  
 Ottomans 349  
 outbreeding, *see* marriage  
 Overton, William 324  
*see also* evolution

## P

- Pakistan 11, 193, 381  
 Palestine 48, 143, 193, 327, 335  
 Pankhurst, Emmeline 250, 368  
 Independent Labour Party 368  
 Women's Social and Political Union  
 (WSPU) 368  
 parents 11, 19–20, 24, 43, 45, 48, 52,  
 75–88, 92–100, 131, 145, 147, 155,

- 161–62, 167, 196–97, 201, 240–41,  
 269–70, 281, 283, 301, 306–07, 320,  
 324, 331, 348  
 natural parents 49  
 Parousia, *see* Christianity  
 participant observation  
*see* Bronislaw Malinowski  
 particulate inheritance  
*see* Gregor Mendel  
*paterfamilias* 279  
*familia* 279  
 patriarchy ix, 33, 250, 253, 279, 282,  
 283, 285, 286, 287, 372, 379  
 Hellenistic period 280  
 patriarch 279  
 patriarchal 35, 39, 84, 254, 285,  
 287, 339  
 patriarchal culture 280, 282  
 patriarchal law 280, 281–84  
 patriarchal religions 280  
 patriarchal social systems  
 279, 283  
 patriarchal societies 279–81  
 patriarchal systems 279–82  
 patriliney 281  
 Paul, Alice 375  
*see also* Equal Rights  
 Amendment (ERA)  
 Peace of Westphalia  
*see* Protestant Reformation  
*peelu* 305  
*see also* 'araq, *siwāk*  
 penance 241, 357, 367  
 penicillin, *see* antibiotics  
 Penitential Books, *see* Catholic Church  
 Pentateuch, *see* the Torah  
 permissiveness 63, 120, 375  
 Persia 195  
 Persian 129, 357  
 perversion(s) ix, 2, 13, 66, 115, 120,  
 151, 160, 195, 201, 205, 208, 219,  
 224, 339  
 Pharaoh 125  
 Philippines, the 11, 190, 193  
 Philistines 328  
 philosophy 211, 235, 261, 322, 325,  
 340, 355, 358, 366, 372, 378  
 philosopher(s) 77, 143, 190, 202,

- 261, 340, 342, 355, 358, 368,  
379–81  
philosophies 77, 235  
physiological 32, 150, 244, 255, 277,  
338, 360  
*Pillow Book*, *see* erotica  
pimps, *see* prostitution  
*Playboy* magazine, *see* pornography  
Pliny the Elder 165, 342  
Gaius Plinius Secundus 342  
*Pneumocystis jirovecii*, *see* AIDS  
politics 249, 252, 255, 291, 372  
polygamy 46–50, 56, 59, 62, 68, 163,  
198, 328  
multiple marriage viii, 43–46, 63  
four wives xv, xvi, 48, 56, 57  
number of wives 56, 68  
polygamous 47–50, 54, 62  
polygyny 44  
poor, the 13, 19, 82–83, 248  
Pope Gregory I 382  
*see also* St. Augustine of Canterbury  
populations 31, 35, 56, 182, 190, 193  
pornography 59–61, 66, 121, 164, 329  
*Playboy* magazine 345  
Hefner, Hugh 345  
*Playboy* centerfold 344–45  
pornographic 60–61, 167  
prescription porn 61  
Portugal 185, 349  
Henry the Navigator 349  
Portuguese 196, 224, 349  
positivism 366, 379  
possessions 11, 15, 19, 37–42, 72,  
74, 81–85, 89, 91, 100, 132,  
154–58, 174, 229, 243, 245,  
270, 301,–02, 317  
postmodernism 260, 380  
poverty 64, 81  
power  
abuse of power 301, 306  
Allah's (ﷻ) corrective power 15,  
83, 89  
Allah's (ﷻ) power presence 30,  
41–42  
power consciousness 288–89  
power structure(s) xii, 76, 80  
Allah's (ﷻ) power 22–24, 28, 34  
Praxiteles 165  
*see also* erotica  
pregnancy 29, 35–36, 116, 213, 217,  
224, 296, 325–26, 330, 385  
childbearing 259, 263, 296, 300  
prejudice xv, 24, 37, 44, 200, 266, 354  
Presbyterian, *see* Protestant  
Reformation  
Priestly account, *see* the Old Testament  
primates 141, 144, 340  
principle of gemetic purity  
*see* Gregor Mendel  
*Principles of Geology*, *see* Charles Lyell  
Priscilla and Aquila 46  
*see also* the Bible  
prisoner(s) of war (POW) ix, 68, 168,  
171, 182, 191, 194, 348, 351–54  
proletariat, *see* Karl Marx  
promiscuity 111, 162, 205, 214, 282  
promiscuous 61, 110–11, 117–18,  
168, 171  
property xvii–xviii, 2, 19, 38, 49,  
68–76, 89, 100, 129–30, 178, 185,  
211–13, 234–35, 267–70, 281, 316,  
352–53, 358, 383  
private property 191, 257–60, 282,  
351, 374, 379–80  
Prophets (ﷺ) v, xv, xxi, 120, 207  
prostaglandin, *see* abortion  
prostitution 49, 53, 58, 63–66,  
119–21, 184, 187, 213, 236, 284,  
329, 351, 360  
Brussels Tribunal 351  
Melissa Farley 329  
Nihal Hassan 351  
hygiene licenses 65  
Sheila Jeffreys 329  
Rachelle Kliger 351  
Nevada 63, 329, 376  
pimps 65–66, 121, 187  
prostitute(s) xv, 62–66, 114, 121,  
190, 282, 329, 359  
Christine Stark 329  
Gabriel R. Vogliotti 329  
Rebecca Whisnant 329  
protective care 18, 38, 43, 52–55, 58,  
62–64, 158  
*see also* right-hand possessions, *mā*

- malakat aymānukum*
- Protestant 126, 218
- Protestantism 357
- Protestants 216–17, 285, 375
- Protestant Reformation 64, 214, 349, 357–59
- Anglican(s) 217, 359
- Holy Roman Empire 358
- Martin Luther 358, 367
- Lutheran 359
- Peace of Westphalia 358–59
- Eighty Years' War 358
- Thirty Years' War 358
- Presbyterian 359
- Reformed churches 359
- Reformed tradition 214
- Treaty of the Pyrenees 359
- Proverbs, Book of, *see* the Bible
- Psalms, Book of, *see* the Bible
- psychoanalysis, *see* Sigmund Freud
- psychology 3, 49–52, 199, 217, 245, 249, 361, 372
- Freudian psychology 371
- puberty 37, 39, 41, 72, 339
- public 259, 262, 283–287, 291
- public sphere 257–59
- public trust 38, 72, 103
- public work 285
- punctuated equilibrium 26, 324
- Niles Eldridge 324
- Stephen Jay Gould 324
- Q**
- Qatādah ibn Da‘amah ibn Qatādah al-Sadūsī 306, 334, 386
- quotas 262
- Quraysh (Arabian power conglomerate of Makkah) 327, 367
- Qurṭb, Sayyid 328, 333–34, 345, 386
- Fi Zilāl al-Qur‘ān* 328, 333–34, 345, 386
- R**
- Rabbeinu Gershom 47, 328
- takkanah* 47, 328
- see also* polygamy
- Rabbeinu Tam 195
- see also* levirate marriage
- race 15, 21, 24, 30–31, 63, 65, 196, 199, 245–46, 252, 330, 368, 377
- races 21, 145, 197, 248, 323, 361, 372
- racial 24, 140, 145, 188, 196–97, 247, 249, 261–62, 352, 354, 359
- racial segregation 367
- racism viii, 23, 30, 201, 249, 25–54
- racist xiv, 24, 30
- Rachel 47, 54
- see also* Jacob (雅)
- rancor 207, 242
- rape 60, 189–90, 210, 282–85, 326, 350, 385
- Beverly Allen 350
- Alexandra Stiglmayer 350
- reciprocity 27, 50, 75, 91, 127, 134, 136, 182, 267
- reference point 21, 145, 167, 190, 247, 361
- Reformation, the
- see* Protestant Reformation
- Reformed churches, *see* Protestant Reformation
- refugees xii, 190, 351
- Rehoboam 47, 327
- see also* the Bible
- religion 6, 39, 105, 113, 127, 214, 249, 285, 311, 324, 329, 339, 357, 366, 368, 371, 377–80
- Renaissance 213, 342, 358
- rendition, secret 172
- repentance viii, 106–10, 115, 122–28, 228
- repent 106–10, 115–16, 123–27, 320
- representation xvii, 6, 59, 151, 170, 250, 256, 372, 383
- reproduction 58, 142, 160–61, 214, 255, 259–60, 282, 340
- sexual reproduction 323–24, 341
- see also* meiosis
- responsibilities, financial 75, 187, 265–66, 270, 320
- Revelation, Book of, *see* the Bible
- revenge 267, 301, 306, 317, 341
- rhythm method, *see* contraception
- right-hand possessions viii, 44, 52, 169

- see also* protective care, *mā malakat aymānukum*  
 rights  
   civil rights xvii, 249, 252, 263, 284, 350, 367–69, 375  
   equal rights xviii, 249–52, 263, 369, 375, 380, 383  
   gay rights 335, 373  
   human rights 10, 172, 306  
   inheritance rights ix, 12, 80, 136, 269, 271  
   natural rights 129, 172, 307  
   pension rights 252  
   property rights 250, 282, 284, 369–70  
   right to vote xvii, 33, 251, 284, 368  
     literacy tests 368  
   rights of orphans xiv, 11, 14, 61, 71, 84  
*Roe versus Wade* case, *see* abortion  
 romance novels 166, 344  
   Lonnie Barbach 345  
   Michelle Slung 345  
   Jan Strurtevant 345  
   Amber Coverdale Sumrall 345  
   Louise Thornton 345  
 Romano, Giulio 342  
   *see also* erotica  
 Rome 231, 327, 348, 382  
   Roman xviii, 129, 215, 217, 240, 269, 279–80, 283, 285, 325, 359–61, 367, 385  
   Roman Empire 327, 342, 348, 357–58  
   Romans 165  
*Rostker versus Goldberg* case  
   *see* women's liberation  
 Rousseau, Jean-Jacques 261, 380–81  
   Jean le Rond d'Alembert 381  
   Denis Diderot 381  
   *Encyclopedia, or a Systematic Dictionary of the Sciences, Arts and Crafts* 381  
   David Hume 381  
   *The Social Contract* 380–81  
 RU-486, *see* abortion  
 rubella 73, 330  
 Ruether, Rosemary Radford 254, 378  
   *see also* feminism  
   rule of thumb 55, 282  
   Russia xviii, 11  
     Soviet Union 21, 373  
   Rwandans 57
- S**  
 Sacher-Masoch, Leopold von 355  
   *see also* algolagnia  
 Sa'd ibn al-Rabi' 92  
 sadism, *see* algolagnia  
 safety-net viii, 59, 78  
 Şafwān ibn Umayyah ibn Khalaf 148  
 Sahl ibn Sa'd 329, 333  
 Şalāḥ al-Dīn 355  
 saliva, *see* AIDS  
 salpingitis, *see* sexually transmitted disease  
*Salvadora persica* tree 305  
   *see also* 'araq, *peelu*, *siwāk*  
 Samson 53, 328  
   *see also* the Bible  
 Sanskrit Laws of Manu, *see* slavery  
 Sappho 335  
   *see also* homosexuality  
 Sarah 53, 140  
   *see also* Abraham (ﷺ)  
 Sartre, Jean-Paul 325  
   *see also* Simone de Beauvoir  
 Satan 105, 205, 318  
   *see also* Shayṭān  
 satyrs, *see* erotica  
 Saudi Arabia xvii, 42  
 Saunders, E.D. 382  
 Schlafly, Phyllis 375  
   *see also* Equal Rights Amendment (ERA)  
 scientific humanism, *see* Thomas Henry Huxley  
 scoptophilia 206  
   *see also* voyeurism  
 Scotland 358, 359  
 Scott, General Winfield 347  
   *see also* US Civil War  
 second class citizens 290–91  
   second sex 32, 256, 325, 378  
     *see also* Simone de Beauvoir

- secret love-companions, *see* mistress
- secularism 209, 267, 291  
 secular society 61, 63, 206, 258, 268  
 secularists 258
- security ix, xii–xiii, xvi, 51, 91, 151,  
 154, 160, 168, 174, 180, 183, 265,  
 296, 299, 316, 373
- Sei Shonagon 342  
*see also* erotica
- semen, *see* AIDS
- Seneca Falls Convention  
*see* Elizabeth Cady Stanton
- sex  
 female sex 12, 62, 251, 326  
 opposite sex 206, 210, 243,  
 253, 376  
 sex drive xv, 44, 49, 56, 148, 162,  
 172, 175, 199  
 sex for hire viii, 59  
 sex objects 129, 250, 266  
 sex therapists 60  
 sex versus gender 210  
 sex workers 66  
*see also* prostitution
- sex-symbols 12
- sexes 7, 91, 123, 132, 162, 165, 174,  
 177, 208, 210, 244, 248–54, 267,  
 273–74, 278, 296, 312, 335, 372
- sexism viii, 23, 32, 33, 249–54, 287,  
 370, 372, 378
- sexist 32, 39, 378
- sexual  
 sexual act 66, 116, 343  
*see also* intercourse
- sexual activity xvi, 64, 161, 165,  
 206, 209, 212–17, 345
- sexual affairs 57, 119
- sexual appetite(s) 61, 162, 172,  
 203–04
- sexual behavior(s) 116, 123–26,  
 143, 215–16, 222–26
- sexual carte blanche 282
- sexual chaos ix, 121, 162, 210, 218
- sexual desire 59, 135, 161, 162,  
 165, 211
- sexual deviation(s) 114–15, 149,  
 205–06, 210, 218, 222, 335
- sexual discipline xvi, 61, 162, 214
- sexual ethics 167, 218
- sexual freedom 206, 219
- sexual fulfillment 314
- sexual gratification xvi, 175,  
 198, 360
- sexual immorality 106, 110–13, 301
- sexual intimacy 194, 303, 313–14
- sexual love 205–06
- sexual morality 284, 303
- sexual needs xvi, 50
- sexual orientation 116, 118, 210  
*see also* homosexuality
- sexual outlet 216
- sexual parochialism ix, 208
- sexual perversion(s) ix, 151, 201,  
 205, 208, 219, 224, 339
- sexual pleasure 185, 205, 218
- sexual relations 13, 110–11, 115–18,  
 141, 149, 163, 207–09, 227
- sexual relationship(s) 111, 129, 144,  
 156, 160, 168, 175, 198, 205, 378
- sexual satisfaction 171, 206
- sexual selection 26, 323–24
- sexual violence 60
- sexuality 59, 62, 66, 118, 121, 162–66,  
 181, 204, 208–17, 282, 338, 344,  
 357, 364, 371, 379  
 bowdlerization 215  
 infantile sexuality 339  
 theology of sexuality 211, 218
- sexually transmitted disease (STD) ix,  
 166, 219, 222–23, 226, 359,  
 362, 364  
 chancroid 219, 222–23  
*Haemophilus ducreyi* 223  
 chlamydia 223–24, 363–64  
*Chlamydia trachomatis* 223  
 salpingitis 223–24  
 gonorrhea 219, 22–24  
 gonococcal 223–24, 363  
*Neisseria gonorrhoeae* 223  
 hepatitis A 225  
 hepatitis B 219, 225–26, 364  
 herpes 221–22, 363  
 lymphogranuloma tenerum 364  
 syphilis 214, 219, 224, 325,  
 359, 363–64  
 chancre 364



- Treponema pallidum* 224  
 trichomoniasis 363  
 viral hepatitis 224–25  
 sexuality ix, 208, 218  
 al-Sha'bi 97, 334  
 al-Shāfi'i, Imam 328  
     *Musnad Imam al-Shāfi'i* 328  
 Shang Dynasty 348  
 al-Shaybānī, Ibn al-Dayba' 315, 387  
     *Taysir al-Wuṣūl ilā Jāmi' al-Uṣūl min*  
     *Ḥadīth al-Rasūl* 315, 387  
 Sherman, General William Tecumseh  
     348, *see also* US Civil War  
 Siddiqui, Dr. Kalim xix  
 Šiffin, Battle of 367  
 sin(s) 60, 64, 109–10, 115, 123–30,  
     139, 146, 154–55, 158–59, 174–80,  
     188, 211, 213, 237, 254, 275, 319,  
     335, 367  
     cardinal sins 239  
         major offenses 237, 240  
         major sins 3, 228, 239–40  
         mortal sins 240  
             *see also kabā'ir*  
     original sin 238–41, 318  
     sinful behavior 123–24, 128  
     small sins 239  
         minor offenses 239–40  
         secondary sins 240  
         venial sins 240  
             *see also ṣaghā'ir*  
 sisters 13, 20, 28, 87, 92–93, 96, 98,  
     102–03, 109, 138–39, 145, 147, 159,  
     173, 195, 271, 371  
 SIV-1, *see* AIDS  
 slavery 66, 68, 185–87, 196, 249, 270,  
     279, 282, 341, 347–51, 369  
     middle passage 349–50  
     Sanskrit Laws of Manu 348  
     slave(s) xvii, 68, 130, 164, 169,  
         176, 185–87, 191, 200, 224, 270,  
         279, 282, 311, 348–51  
 Slung, Michelle 345  
     *see also* romance novels  
 Smith, Robertson 339  
     *see also* Sigmund Freud  
 social affairs 9, 30, 41, 62  
 social character 10, 244  
     social construct 50, 54  
     *Social Contract*  
         *see* Jean-Jacques Rousseau  
     social engineering 96, 195  
     social integration viii, 76  
     social laws ix, 24, 199  
         *see also sunan, sunnah*  
     social life 106, 288  
     social order 6, 13, 65, 77, 101, 113,  
         129, 161, 172, 182, 188, 246,  
         256–57, 291, 366, 368  
     social policy 259  
     social principles 4  
     social problems 59, 63, 105, 172, 262  
     social responsibility 3, 55, 71, 94,  
         179, 242  
     social science(s) 77, 141–42, 149,  
         215–17, 235, 249, 255–56, 366  
         social scientists 55, 141–45, 157,  
             163, 202, 208, 216–17, 249,  
             255–61, 279–80  
     social structure 14, 91, 251, 257, 260  
         social structures 13, 30, 286  
     social system 40, 279  
     social theories 32, 42  
     socialist 31, 235, 325, 361, 368  
         socialists 234, 372  
     socialization 29, 32, 40, 167, 184,  
         257, 259  
     society  
         caring societies viii, 15, 248  
         ethical society ix, 241, 246  
         Islamic societies 12–13, 52, 59, 64,  
             99, 173  
     sociology 199, 217, 235, 340, 366  
         sociological 116, 142–43, 216, 257,  
             260, 366  
     Sodom and Gomorrah, *see* the Bible  
     Sokoto Caliphate 349  
     Solomon (سُلَيْمَان) 47, 54, 327  
         *see also* the Bible  
     son 137–38, 142, 146–49, 293–95  
     Song of Solomon, *see* the Bible  
     South Africa iv, 372, 381  
     Soviet Union, *see* Russia  
     Spain 185, 284, 349, 358–59  
         Muslim Spain 355  
         Spanish 48, 224, 269, 349, 356

- Spencer, Herbert 340  
*see also* Edvard Westermarck
- spouse(s) xiv, 23, 27, 45, 58, 68,  
 93–94, 102, 109, 131, 135–36, 139,  
 146, 159–62, 170, 175, 178, 183,  
 194, 267, 272, 274, 299, 307–10,  
 313, 317, 377
- St. Augustine of Canterbury 284, 382  
 Pope Gregory I 382
- St. Augustine of Hippo 211, 357  
 Adept 211  
 Auditors 211  
 catechumens 211
- St. Paul 140, 327, 356
- St. Thomas Aquinas 212, 358
- Stanton, Elizabeth Cady 250, 369,  
 382, 384  
 Louisa May Alcott 370  
*Declaration of Sentiments* 370,  
 383, 385  
 Frederick Douglass 370, 383  
 Ralph Waldo Emerson 370  
 Seneca Falls Convention 382  
 Women's Rights Convention  
 in 1848 284  
*The Woman's Bible* 370
- Stark, Christine 329  
*see also* prostitution
- status of women 129, 185, 248, 280,  
 285, 300
- status quo 5, 8, 90, 181, 247
- Steinem, Gloria Marie 250, 372–74  
 Deborah Davis 374  
 Katharine Graham 374  
 Franklyn (uncle) Thomas 374  
 Women's Media Center 372
- step-daughters 109, 139, 146, 159
- stereotypes 14, 44, 249
- Stigl Mayer, Alexandra 350  
*see also* rape
- stilbestrol, *see* contraception
- Stockholm Convention 231  
*see also* cartel
- stoning 110, 114  
*see also* adultery
- Strurtevant, Jan 345  
*see also* romance novels
- subordination 260, 286  
 female subordination 256–61, 285  
 subordinate 28, 212, 257–58, 277,  
 285, 290, 372, 384
- substance abuse 67
- suffrage 33, 250–51, 368–70, 375,  
 383, 385
- Sumrall, Amber Coverdale 345  
*see also* romance novels
- superiority 197, 247, 253, 275, 279,  
 289–90, 299, 381
- supremacy 290, 383
- Sustainer (سُتَايِر), the xiii, xv, 15, 21–24,  
 27, 125, 134, 136, 245, 273, 318
- sustenance 19, 38, 72, 81, 88, 96, 305
- al-Suyūṭī 324
- Switzerland xvii, 359, 381
- syphilis, *see* sexually  
 transmitted disease
- T**
- al-Ṭabarī 321, 333, 341, 386
- al-Ṭabarānī 346, 386
- al-Ṭā'if 345, 367
- takkanah*, *see* Rabbeinu Gershom
- Talmud, the 43, 47, 327–28  
 Babylonian Talmud 327  
*Gemara* 327  
*haggadah* 327  
*halakhah* 327  
*Mishnah* 327  
 Talmud Torah 43  
 Talmudic 194, 355
- Tamar 140, 338  
*see also* the Bible
- Tantras*, *see* Buddhism
- Tantrism 343  
 Tantric belief 165
- teleology 340  
 teleological 142, 340
- Ten Commandments  
*see* the Old Testament
- Thailand 11, 65–66  
*see also* prostitution
- thalidomide 73, 330
- Thaqīf (Arabian tribe) 346
- The Origin of the Family, Private  
 Property, and the State*

- see Friedrich Engels  
*The Second Sex*, see Simone de Beauvoir  
*The Sexual Life of Savages in North-Western Melanesia*, see Bronislaw Kasper Malinowski  
*The Woman's Bible*, see Elizabeth Cady Stanton  
 theology 240, 323, 340, 358, 362, 378, 382, 384  
 third-world peoples 248  
 Thomas, Franklyn (uncle) 374  
   see also Gloria Steinem  
 Thornton, Louise 345  
   see also romance novels  
 al-Tirmidhī 328, 333–45, 367, 386  
 Tissot, Samuel Auguste André David 214, 359  
 Torah 43, 328, 355–56  
   Book of Deuteronomy 43, 347, 355  
   Book of Exodus 46, 347, 356  
   Book of Genesis 26–27, 46–47, 54, 117, 140, 210–12, 242, 323–24, 327, 335–36, 347, 356  
   Book of Leviticus 46, 117, 140, 336, 347, 355–56  
   Book of Numbers 190, 252, 285, 327, 346–50, 385  
   Pentateuch 356  
   Torat Kohanim 356  
 totalitarian 21, 24  
*Totem and Taboo: Resemblances Between the Mental Lives of Savages and Neurotics*, see Sigmund Freud  
*Toxoplasma gondii*, see AIDS  
 trade 66, 155, 178, 182, 185, 229, 232–33, 290, 329, 336, 349  
 tradition(s) xviii, 6, 12, 32, 35, 47, 49, 84, 131, 137, 173, 195, 210, 213–14, 218, 230, 282, 300, 327, 342, 357, 380  
   traditional 11–12, 32, 60, 90, 132, 173, 184, 196, 214, 218, 248, 252, 254, 263, 273, 282–85, 304, 312, 366, 371, 375  
 trafficking 11, 329  
   sex trafficking 66  
 transliteration vii, xxiii  
 transsexualism 243  
 transvestism 211, 243  
 Treaty of Rome 231  
   see also cartel  
 Treaty of the Pyrenees  
   see Protestant Reformation  
*Treponema pallidum*, see sexually transmitted disease  
 trial and error 5, 34, 199, 263, 290  
 tribal xiv, 12, 101, 137, 145, 280, 346, 380  
 trichomoniasis, see sexually transmitted disease  
 Trinity, the 254  
 Trobriand Islanders 216, 361–62  
   see also Bronislaw Kasper Malinowski
- U**  
 Uḥūd, Ghazwah 2, 14–15, 92  
 ‘Umar ibn al-Khaṭṭāb 97, 166, 312, 315  
 ‘Umayrah al-Asadī 328  
 Umm Kuḥḥah 333  
   see also Aws ibn Thābit  
 Umm Kujjah 333  
   see also Aws ibn Thābit  
 Umm Kulthūm 308  
 Umm Salamah 243  
 Umm ‘Ubayd bint Ḍamrah 149  
 underclass 13, 55, 64–66, 95, 366  
   underclasses 42, 67, 83, 99  
 UNICEF, see United Nations (UN)  
 uniformitarianism, see Charles Lyell  
 United Kingdom (UK) 33, 250, 329–30, 351, 360, 368, 379  
   Britain xvii, 185, 196, 197, 343  
   England 33, 284, 340, 359, 379, 381–82  
   London iii, 66, 191, 325, 329, 338–40, 351, 360–61, 366  
 United Nations (UN) 11–12, 48–49, 65, 185, 202, 205, 286, 328  
   General Assembly Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others 65  
   League of Nations 185  
   UNICEF 328  
 United States 172, 196–97, 219–21,

224–25, 230, 251–52, 286, 338, 347, 365, 375, 379, 383–84  
 Declaration of Independence xvii  
 US Centers for Disease Control and Prevention (CDC) 220, 331  
 US Civil War 185, 347–50, 369, 376  
   General P.G.T. Beauregard 347  
   Jefferson Davis 347  
   Emancipation Proclamation 347, 350  
   General Ulysses S. Grant 347  
   General Henry Wager Halleck 347  
   General Joseph E. Johnston 347  
   General Robert E. Lee 347  
   President Abraham Lincoln 333, 347–50  
   Major General George B. McClellan 347  
   General Winfield Scott 347  
   General William Tecumseh Sherman 348  
     total war 348  
 US Congress 251, 375, 377  
 US Constitution 249, 324, 326, 329, 350, 369, 375  
   First Amendment 60, 324, 329  
 US Supreme Court 36, 99, 196, 252, 262, 326, 355, 378  
 USA 36, 59, 66, 284, 328, 381  
 upheavals 48, 181, 235  
 urbanization 252, 279  
 Usāmah ibn Zayd 334  
 usury 232  
   usurious 13, 232–33, 271  
   *see also ribā*  
 uterus 37, 223–24, 326, 385

## V

vaccinations 74  
 venereal disease 35, 214, 219, 364  
   *see also* sexually transmitted disease  
 vested interests xiv  
 Viagra 59, 121, 336  
 vices 14, 67, 120  
 Vienna Psychoanalytical Circle  
   *see* Sigmund Freud

Vietnam 11, 190, 261, 371  
   Vietnam War 373  
   *see also* prostitution  
 virgin(s) 46, 48, 132, 176, 202, 212, 281  
   virginity 210–14, 284  
 virtues 14, 135, 149, 212  
 Vogliotti, Gabriel R. 329  
   *see also* prostitution  
 Voting Rights Act of 1965 368  
 voyeurism 206  
   scoptophilia 206  
 vulcanization 215, 360

## W

al-Wāḥidī 327, 341  
   *Asbāb al-Nuzūl* 341  
 Wallace, Alfred Russel 323  
   *see also* Charles Darwin  
 war  
   Eighty Years' War  
     *see* Protestant Reformation  
   Thirty Years' War  
     *see* Protestant Reformation  
   total war, *see* US Civil War  
   war crimes 191–93, 351, 354  
   war criminals 191–93, 351  
   war front 4, 308  
   warfare 30, 57, 67, 89, 168, 171, 184, 187, 191, 233, 255, 264, 350, 358  
   weak of judgment, *see* orphans  
   wealth 2–3, 11–13, 37–42, 70–74, 79, 83, 90–92, 95, 99–101, 131, 136, 154, 158, 164, 168, 174–78, 180, 186, 199, 229, 231, 235–36, 244–45, 265–67, 272, 281, 302, 317, 384  
   distribution of wealth 19, 22, 75, 80–81, 87–89, 96, 106, 233–34, 269–71  
   public wealth 72  
   wean 298  
   wedlock, *see* marriage  
   welfare 43, 76, 78, 183, 199, 305  
   West Indies 196, 349–50  
   *see also* slavery  
   Westermarck, Edvard Alexander 143, 340

- John Stuart Mill 340  
 Herbert Spencer 340  
 Western civilization iv, xviii, 26, 120, 210, 273, 283  
   post-Enlightenment West 163  
   West, the xiv, xvii–xviii, 32–33, 63, 121, 163, 184, 196, 213–15, 218–21, 224, 230, 234, 249, 261, 264, 267, 279, 330, 332, 335, 343, 349, 350, 357, 380  
   Western viii, xv, xix, 10, 30, 61, 63, 70, 211, 214–17, 222, 254, 256, 258, 261, 267, 279, 284–87, 291, 326, 358, 361, 365, 372, 380  
   Western society xv, 254, 380  
 Western Electric, *see* AT&T  
 Whisnant, Rebecca 329  
   *see also* prostitution  
 widow(s) xii, xvi, 12, 20, 22, 50, 57–58, 65, 67, 83, 87, 101, 110, 130–32, 137, 148–49, 169, 171, 173, 188, 193–96, 199, 201, 204, 229, 268, 276, 279, 284  
 willpower 180, 207–08  
 wills 72, 76, 98, 100  
 Wollstonecraft, Mary 250, 368  
   William Godwin 368  
 womb viii, 34–37, 169, 223, 297, 317, 326  
   *see also* *ṣilah al-raḥm*  
 women  
   Muslim women xiii, 34, 113–14, 188–90, 193, 239, 264, 319, 334–35  
   underclass women 64–65  
   underprivileged women 62, 65, 67  
   women victims of war 169–72, 179–80, 182, 189  
 women's liberation 33, 373  
   *Rostker versus Goldberg* case 253, 378  
   Women's Liberation Movement xviii, 250–52, 261, 370, 372  
     Women's Lib 250–52  
   Women's Media Center  
     *see* Gloria Steinem  
   women's rights xvii, 68–69, 249, 252, 263, 284, 368, 370, 372, 384  
     Women's Rights Convention in 1848, *see* Elizabeth Cady Stanton  
   Women's Social and Political Union (WSPU), *see* Emmeline Pankhurst  
   Woolf, Virginia (Adeline) 32, 325  
     Bloomsbury Group 325  
   work-force utilization analysis  
     *see* affirmative action  
   workplace xviii, 259, 268, 367  
 World War I (WWI) xvii, 33, 348  
 World War II (WWII) xviii, 190–93, 217, 250, 325
- Y**  
 Yūsuf (يوسف) xii  
 Yahwist account, *see* Old Testament  
 Yemen 195  
 Yevamot, *see* levirate marriage
- Z**  
 Zaire 219  
 Zayd ibn Thābit 97  
 Zionists 189, 191  
   *see also* Yahūd, Jews, Israelis  
 zoophilia, *see* bestiality  
 Zoroastrianism 357  
 al-Zuḥaylī, Dr. Wahbah 321, 327, 333–34, 341, 345–46, 365, 367, 386  
   *al-Tafsīr al-Munīr fī al-'Aqīdah wa-al-Sharī'ah wa-al-Manhaj* 321, 327, 333–34, 341, 345–46, 365, 367, 386  
 zygote 341



# Index of Arabic Words

## A

- Aḥkām al-Qur'ān*, see al-Jaṣṣāṣ  
Ahl al-Kitāb xiv  
al-Aḥzāb, Battle of 321, 327  
*amah* 68  
    *imā'* 68, 188  
    see also *surrīyah*, *sabāyā*  
Anṣār 101, 149, 271  
    *anṣārī* 271  
'araq 305  
    *'urūq* 305  
    see also *siwāk*, *Salvadora persica* tree  
'aṣābah 333, 334  
*Asbāb al-Nuzūl*, see al-Wahīdī  
'Arafāt, Mount 305  
Awṭās (Arabian tribe) 169

## B

- bakshish* 230  
Banī al-Muṣṭaliq, Ghazwah 321  
al-Baṣrah 97, 386

## D

- ḍaraba* 312–13  
    *ḍarb* 313  
    *ḍirāb* 313  
    *fa-iḍribūhunna* 312–14  
    *iḍṭaraba* 313  
    *iḍṭirāb* 313  
    *muḍṭarabah* 313  
    *muḍṭarib* 313  
*dm* 4, 9, 89, 119, 122, 169, 227,  
    246, 355  
*dinār* 71, 329  
*ḍirāb*, see *ḍaraba*  
*diyāh* 270  
*ḍurrah* 148

## F

- fa-iḍribūhunna*, see *ḍaraba*  
*fa-inkihūhunna*, see *nikāh*  
*faqīh*, see *fiqh*  
*fariḍah* 178  
al-Faṭḥ, Ghazwah 1  
*Fi Zilāl al-Qur'ān*, see Sayyid Quṭb

*fiqh* 70, 88, 367

*faqih* 97, 103

*fiqhī* 84, 88, 98, 310

## G

Ghaṭafān (Arabian tribe) 40, 84, 327

## H

*ḥabr al-ummah* 367

hadith(s) 27, 62, 71, 88, 102, 114,  
116, 148, 187, 233, 240, 309, 315,  
321, 334–35, 367, 386–87

*ḥalāl* 72, 237

Ḥamrā' al-Asad, Ghazwaḥ 15

Ḥanafī 71

*ḥarām* 232

Hawāzin (Arabian tribe) 346

Hijrah, the xi, 1–2, 367

Ḥudaybiyah 1

Ḥunayn, Ghazwaḥ 170, 345–46

## I

*'iddah* 179

*iḍṭaraba*, see *ḍaraba*

*iḍṭirāb*, see *ḍaraba*

al-Ifk, Ḥādithaḥ 4, 321

*iḥṣān* 175

*imā'*, see *amah*

*imān* 5, 14, 43

*inshā'allāh* 248

*insān* 208

*'irḍ* 204

*irth* 76, 80, 264

*'iṣmah* 147

## J

*jāhiliyah* 6, 33, 80, 99, 147–48, 178,  
181, 229

*jāhili* xii, xiv, 2, 6, 247, 263

al-Jamal, Battle of 367

jihād 9, 168, 264, 373

Jumu'ah 240

## K

*kabā'ir* 239

*kabirah* 239

*kāfir*, see *kufr*

*kalālah* 97

*al-khilāfah al-rāshidah* 367

al-Kūfah 97

*kufr* 8–12, 14, 247

*kāfir(s)* 6, 10–11, 101–04, 126, 143,  
168, 182, 196, 247, 334–35

## M

*mā malakat aymanukum* 53, 169

see also right-hand possession

Madinah xi–xiv, 1, 2, 6, 34, 84, 97,

101, 112, 118–20, 187, 271, 321, 327

Madinan 1–2

*mahārim*, see *maḥram*

*mahr* 70–71, 101, 177, 180

see also *ṣadāq*, *ṣaduqāt*, dowry,  
bride-wealth

*maḥram* 394

*mahārim* 35

*non-maḥram* 179

Makkah xi, xiv, 1, 13, 34, 101, 118,

120, 271, 345–46

Makkan 1, 329

*masākīn* 83

*masjid(s)* 78, 242, 244

*mawlá* 270

*mawlá al-'atāqah* 334

*mawlá al-muwālāt* 334

*mu'ākhāh* 101

*muḍārabah*, see *ḍaraba*

*muḍṭarib*, see *ḍaraba*

*mufassir*, see *tafsir*

Muhājirūn 271

*muhājir* 271

*muḥṣanāt* 160, 168, 184

*munāfiq* xiv, 14, 321

*mushrik*, see *shirk*

*mushrikāt*, see *shirk*

*muslimāt* 113

*Musnad Imam Aḥmad*, see *Aḥmad*

ibn Hanbal

*Musnad Imam al-Shāfi'i*, see *al-Shāfi'i*



*al-Mustadrak*, see *al-Ḥākīm*  
*muttaqī*, see *taqwā*

## N

*nafs* 23, 25, 27, 29, 30  
*nafs wāḥidah* 26, 273  
*nāshizāt*, see *nushūz*  
*nastaghfir-allāh* 242, 255  
*nikāh* ix, 137, 168, 174–78,  
 186–87, 313  
*fa-inkihūhunna* 313  
*nisā'* 29, 396  
*nushūz* 314  
*nāshizāt* 301–02  
*nushūzahunna* 311

## Q

*Quraysh* (Arabian power conglomerate  
 of Makkah) 327, 367  
*quwāmah* 277, 314–16  
*qawwāmūn* 289

## R

*Rabī' al-Awwal* iv, xix  
*Ramaḍān* 240  
*ribā* 232–35, 239  
*rijāl* 29

## S

*sabāyā* 169  
 see also *amah*, *surrīyah*  
*ṣadāq* 101, 177–78, 186  
 see also *mahr*, dowry, bride-wealth  
*ṣaduqāt* 70  
 see also *mahr*, dowry, bride-wealth  
*ṣaghā'ir* 239  
*ṣaghīrah* 239  
*Ṣaḥīḥs*, the Two 27  
*ṣalah* 240  
*ṣāliḥāt* 302  
*sarāri*, see *surrīyah*  
*shahīd* 92  
*shar'ī* 314  
*Shayṭān* 7, 123  
 see also *Satan*

*Shī'ab al-Imān* 365  
*shighār* 69  
*shirk* 3, 172, 228, 239  
*mushrik(s)* xiv, 6, 10, 168, 171, 182,  
 271, 345–46  
*mushrikāt* 172  
*sifāh* 177  
*Ṣifīn*, Battle of 367  
*ṣilah al-raḥm* 35  
*siwāk* 305  
 see also *'araq*, *Salvadora persica* tree  
*sufahā'* 73  
*sunmah* 398  
*Sunnah*, the xiii, xvii, 102, 248–49,  
 273, 277, 290  
*sunan* 24, 386  
*sūrah(s)* xi–xv, 1, 2, 4, 6, 10–15, 262  
*Sūrah al-Aḥzāb* v, 147, 276  
*Sūrah Āl 'Imrān* xi–xii, 4–5, 14, 53  
*Sūrah al-Baqarah* xi, xiv, 1–2, 5, 53,  
 232, 276  
*Sūrah al-Fātiḥah* xi  
*Sūrah al-Isrā'* 118  
*Sūrah al-Mā'idah* xi  
*Sūrah al-Mumtaḥanah* 1, 2  
*Sūrah al-Nisā'* iv, vii, xi–xiv,  
 1–5, 85, 156, 226–27, 328,  
 334, 345, 386  
*Sūrah al-Nisā' al-Kubrā* 2  
*Sūrah al-Nūr* xv, 4, 111–15,  
 276, 321  
*Sūrah al-Taḥrīm* 276  
*Sūrah al-Ṭalāq* 2, 276  
*Sūrah al-Nisā' al-Ṣughrā* 2  
*Sūrah Yūsuf* xii  
*surrīyah* 68  
*sarāri* 68

## T

*ta'dilū* 51  
*tafsīr* iv–v, xii, xv, xix, xxi, 68, 70, 88,  
 356  
*mufasssīr* 386  
*al-Tafsīr al-Munīr fī al-'Aqīdah*  
*wa-al-Sharī'ah wa-al-Manhaj*,  
 see Dr. Wahbah al-Zuhaylī  
*al-Ṭā'if* 345, 367

*taqwá* 4, 28, 42–43, 83, 275, 303  
*muttaqī* 301  
*tarjumān al-qur'ān* 367  
*ta'wīl* 367  
*Taysīr al-Wuṣūl ilá Jāmi' al-Uṣūl min*  
*Ḥadīth al-Rasūl*, see Ibn al-Dayba'  
 al-Shaybānī  
 Thaḳīf (Arabian tribe) 346  
*tuḳṣīṭū* 51

## U

Uḥud, Ghazwah 2, 14–15, 92  
 Ummah xix, 367  
*ūqīyah* 381  
*'urūq*, see *'araq*  
*'uṣbah* 67

## W

*al-Wathā'iq al-Siyāsīyah fi*  
*al-'Ahd al-Nabawī wa-al-Khilāfah*  
*al-Rāshidah*, see Dr. Muḥammad  
 Ḥamīdullāh

## Y

*yā ayyuhā al-ladhīna āmanū* 229  
 Yahūd 10  
 Yahūdī 6  
 see also Jews, Zionists, Israelis  
*yatīm* 39  
 see also orphan

## Z

*zawjahā* 27



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